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## TABLE OF CONTENTS.

	PAGE.
CHRONICLE OF EVENTS .. ..	9
July 1931 .. ..	9
August 1931 .. ..	12
September 1931 .. ..	14
October 1931 .. ..	19
November 1931 .. ..	24
December 1931 .. ..	27
INDIA IN HOME POLITY .. ..	33
INTRODUCTION .. ..	33
I. "Govern or Get out" .. ..	33
II. "Sincerity and Speed" .. ..	33
III. "The Seditious Fakir" .. ..	34
IV. "So called Pact" .. ..	35
V. A Matter of Honour .. ..	35
VI. As First Constitutional Governor-General .. ..	35
VII. "An Earnest of the Coming order" .. ..	35
VIII. The Red Tape and Constitutional ether .. ..	36
IX. Forces that Matter most .. ..	37
X. Bargaining with Lawlessness .. ..	37
XI. Emergency Methods of Reform .. ..	38
XII. Political History of latter half of 1931 .. ..	38
XIII. Unsettle the Settled fact .. ..	39
XIV. War Mind that Still existed .. ..	39
XV. Disruptive Forces Gathering Momentum .. ..	41
XVI. Privileged Status of Congress .. ..	41
XVII. The Truce : What was it for .. ..	42
XVIII. To What Transfer Authority .. ..	43
XIX. Would be Rulers of India .. ..	44
XX. Harmony with Discordant Notes .. ..	44
XXI. Clouds no bigger than the palm of a hand .. ..	44
XXII. Question of Transferring responsibility .. ..	46

XXIII.	Elementary Law of Human Passions	...	47
XXIV.	The Sun of Indian Swaraj	...	47
XXV.	What Liberalism would like Congress to do	...	48
XXVI.	Agreement : A Matter of honour and Test	...	49
XXVII.	Peace Soon likely to pass	...	50
XXVIII.	Hindu-Moslem Tangle : Its Causes	...	50
XXIX.	Communalist and Nationalist Attitudes	...	51
XXX.	Nationalist Moslems' Move	...	51
XXXI.	Congress W. C. Formula : How accepted	...	52
XXXII.	New Addition to R. T. C.	...	52
XXXIII.	Change of British Govt. & the Changed Situation	...	53
XXXIV.	The Second Settlement	...	54
XXXV.	Mahatmaj in the R. T. C.	...	54
XXXVI.	Clouds Gathering	...	55
XXXVII.	Financial Crisis	...	55
XXXVIII.	Rupees' New Loan	...	57
XXXIX.	U. P. Agrarian Situation	...	57
XL.	R. T. C. Vessel Sailing in Perilous Zone	...	58
XLI.	Hindu-Moslem Talks in London	...	59
XLII.	Mahatma Opg. Sp. Representation to Dep't. Class	...	60
XLIII.	Mahatmaj's Concessions to Demands	...	61
XLIV.	The Reports and the Congress Position	...	62
XLV.	" No Wrecking Policy "	...	62
XLVI.	R. T. C. and After	...	65
<b>THE INDIAN NATIONAL CONGRESS</b>			<b>65</b>
<b>THE WORKING COMMITTEE—RESOLUTIONS (5TH TO 12TH JULY)</b>			<b>65</b>
I. B. Financial Obligations Committee	...	...	65
Fundamental Rights Committee	...	...	65
Hindusthani Seva Dal	...	...	65
Communal Problem	...	...	66
Retrenchment on Railways	...	...	67
Pledge for Exclusion of foreign cloth	...	...	67
Anti-untouchability Committee	...	...	67
Textile Mills Exemption Committee	...	...	67
Berlin Information Bureau	...	...	67
Authority to Treasurers	...	...	68
Breaches of the Delhi Settlement	...	...	68
<b>THE ALL-INDIA CONGRESS COMMITTEE (6TH TO 8TH AUGUST)</b>			<b>68</b>
Disaffiliation of London Congress	...	...	68, 76
Single Member Constituencies	...	...	69
Condemnation of Crimes of Violence	...	...	69
The National Flag	...	...	71
Fundamental Rights	...	...	72
All-India Flag Day	...	...	76
Personnel of Congress Delegation	...	...	76
<b>THE WORKING COMMITTEE—RESOLUTIONS (8TH TO 11TH SEPT.)</b>			<b>77</b>
Attribution of President's Action	...	...	77
Pages and Working Hours	...	...	77

Organisation of Women Volunteers	...	...	78
Hindusthani Seva Dal Budget	...	...	78
Textile Mills Exemption Committee	...	...	78
Press Bill	...	...	78
Breaches of Settlement	...	...	78
Indian Collieries	...	...	78
Declaration by Indian Collieries	...	...	78
Accounts Committee	...	...	78
<b>THE WORKING COMMITTEE—RESOLUTIONS (27TH TO 29TH OCT.)</b>			78
Next General Elections	...	...	80
New Taxation	...	...	80
Currency and Exchange Policy	...	...	80
Chittagong	...	...	80
Hijli	...	...	80
Allahabad Con. Committee Application to Start Satyagraha	...	...	80
<b>THE WORKING COMMITTEE—RESOLUTIONS (7TH—8TH NOV.)</b>			82
Mahatma Gandhi's future programme	...	...	82
Budget Sanctions	...	...	82
Budget Situation	...	...	82
Gandhi Week	...	...	82
Warning against Spurious Khadi	...	...	82
<b>THE WORKING COMMITTEE—RESOLUTIONS (29TH DEC. TO 1ST. JAN.)</b>			83
Tentative plans for Civil Disobedience	...	...	83
No Justification for Ordinances	...	...	84
Premier's Declaration unsatisfactory	...	...	84
Civil Disobedience plan	...	...	84
Appeal to World Opinion	...	...	85
Foreign Cloth Boycott	...	...	85
Mill's Co-operation invited	...	...	85
Assurance to Zamindars	...	...	86
<b>THE GANDHI-WILLINGDON CORRESPONDENCE</b>			86
Mahatma's wire to Viceroy	...	...	86
The Viceroy's Reply	...	...	86
Mahatma's Rejoinder	...	...	87
Viceroy Rejects Mahatma's Request	...	...	89
Mahatma's last Message to Viceroy	...	...	89
Mahatma's Home-Coming—The Historic Week	...	...	90
The Gandhi-Willingdon Agreement (27th August)	...	...	95
Congress Charges Against Government	...	...	96
The Government Counter-charges	...	...	98
<b>THE CENTRAL LEGISLATURE &amp; PROVINCIAL COUNCILS.</b>			
<b>THE COUNCIL OF STATE</b>	..	..	103
Official Resolutions	...	...	104
Provident Fund Act Amend. Bill	...	...	105
Official Bills	...	...	106
Debate on the Press Bill	...	...	107
Debate on the Finance Bill	...	...	109

Appointment of Retrenchment Committee	...	...	192
Depressed Classes' Educational Facilities	...	...	193
Suspension of Foreign Scholarships	...	...	193
New Taxation Measures Introduced	...	...	193
The December Session (14th December to 21st December)	...	...	194
Non-official Resolutions	...	...	194, 195
Adjournment Motion on U. P. Ordinance	...	...	194
Remission of Land Revenue	...	...	195
Rent Collection Charges	...	...	196
Depressed Class Representation	...	...	196
Right of Access to Wells Etc.	...	...	196
Educational Institutions and Depressed Classes	...	...	196
Agra Tenancy Act Amend. Bill	...	...	196
Municipalities Act Amend. Bill	...	...	197
Bill Postponing Municipal Elections	...	...	197
The U. P. Goondas Bill	...	...	197
District Board's Act Amend. Bill	...	...	197
Arrears of Rent Bill	...	...	197
Retrenchment Committee Report	...	...	197, 198
Agra Medical Students' Rustication	...	...	198
<b>THE BURMA LEGISLATIVE COUNCIL (31ST AUGUST TO</b>			
<b>7TH SEPTEMBER)</b>			
Governor's Opening Speech	...	...	199
Burma Rebellion Trials Bill	...	200, 201,	202
Burma Excise Act Amend. Bill	...	...	200
Reduction of Minister's Salary	...	...	200
Committee to Survey Economic Distress	...	...	200
Non-official Resolutions	...	...	201
Grant for Agricultural Loans	...	...	202
Burma Courts Amend. Bill	...	...	202
<b>THE C. P. LEGISLATIVE COUNCIL (24TH AUGUST TO</b>			
<b>2ND SEPTEMBER)</b>			
Governor's Speech on the Financial Position	...	...	203
Tribute to Late Sir S. Chitnavis	...	...	203
Land Revenue Tenancy Amend. Bill	...	...	204
Vaccination Law Amend. Bill	...	...	204
Election of President	...	...	204
Local Self-Government Amend. Bill	...	...	204
Municipal Amend. Bill	...	...	205
Revenue Collection in Jubbulpore	...	...	205
Grants to Local Bodies	...	...	205
Recruitment to the Services	...	...	206
Non-official Resolutions	...	...	207
<b>THE PUNJAB LEGISLATIVE COUNCIL (27TH NOVEMBER</b>			
<b>TO 3RD DECEMBER)</b>			
Punjab Services Commission Bill	...	...	207
Punjab Nurses Registration Bill	...	...	207
Relief to Agriculturists	...	...	207
Committee to Solve Communal Problem	...	...	208
Retrenchment Committee Report	...	...	208



<b>THE ASSAM LEGISLATIVE COUNCIL (28TH SEPTEMBER TO 2ND OCTOBER)</b>	..	..	209
Assam Pure Food Bill	...	...	209
Assam Court Fees Amendment Bill	...	...	209
Assam Local Rate Amendment Bill	...	...	209
The Governor's Address	...	...	209
Cuts in Ministers' Salaries	...	...	210
<b>THE B. &amp; O. LEGISLATIVE COUNCIL (1TH AUGUST TO 24TH AUGUST)</b>	..	..	210
Non-official Resolution on Retrenchment	...	...	211
Other Non-official Resolutions	...	...	212
Official Legislative business	...	...	212
<b>CONGRESS AND CONFERENCES—JULY—DECEMBER 1931.</b>			
<b>THE MUSLIM CONFERENCES</b>	..	..	213
The All-India Muslim League	...	...	213
The All-India Muslim Conference	...	...	222
The All-Bengal Muslim Conference	...	...	224
The U. P. Muslim Conference	...	...	227
The U. P. Nationalist Muslim Conference	...	...	232
Punjab Nationalist Muslim Conference	...	...	234
The Jamiat-ul-ulema Conference	...	...	237
<b>THE HINDU SABHA CONFERENCES</b>	..	..	241
All-India Hindu Mahasabha	...	...	241
Bengal Provincial Hindu Sabha Conference	...	...	255
Bihar Provincial Hindu Conference	...	...	263
<b>THE STUDENTS' CONFERENCES</b>	..	..	264
The Bengal Students' Conference	...	...	264
The Bihar Students' Conference	...	...	267
The Punjab Students' Conference	...	...	271
The Maharashtra Youth Conference	...	...	273
<b>THE WOMENS' CONFERENCES</b>	..	..	274
All-India Womens' Conference	...	...	274
The Oudh Womens' Conference	...	...	286
The U. P. Womens' Conference	...	...	289
The Tamil Nad Womens' Conference	...	...	290
<b>THE PROVINCIAL POLITICAL CONFERENCES..</b>	..	..	294
The Bengal Provincial Conference	...	...	294
The Punjab Political Conference	...	...	299
The Sikh Political Conference	...	...	301
The Rajputana Political Conference	...	...	302
The Allahabad Tenants' Conference	...	...	304
The National Liberal Federation	...	...	309
The All-India Depressed Classes Conference	...	...	322

The All-India Christian Conference	...	...	328
The European Association Dinner	...	...	329
The All-India Trade Union Congress	...	...	334

## REPORTS—OFFICIAL AND NON-OFFICIAL:

Report of the Royal Commission on Labour	...	...	341
Report of the Indian Central Banking Enquiry Committee	...	...	350
Report of the Indian Military College Committee	...	...	357
Report of the Hijli Shooting Enquiry Committee	...	...	366
Report of the Chittagong Enquiry Committee	...	...	370
Report of the Congress Select Committee on the Financial obligations between Great Britain and India	...	...	379
Report of the Bardoli Enquiry Committee	...	...	383
The Congress Rejoinder	...	...	387
Report of the Kashmir Riots Enquiry Committee	...	...	394

## INDIA IN PARLIAMENT AND ABROAD:

INDIA IN PARLIAMENT	..	..	399
The India Office Estimates Debate	...	...	399
Debate on Government's Indian Policy	...	...	401
Mr. Churchill's Amendment	...	...	415

INDIA ABROAD	..	..	424
Closer Union of East Africa—Joint Committee Report	...	...	424

INDIA IN THE ROUND TABLE CONFERENCE	..	..	428
Personnel of the Delegation	...	...	429
The Federal Structure Sub-Committee Report	...	...	433
The Prime Minister's Statement	...	...	444

TEXT OF THE ORDINANCES	..	..	449
Ordinance No. I. of 1931	...	...	449
" No. II.	...	...	453
" No. III.	...	...	453
" No. IV.	...	...	454
" No. V.	...	...	455
" No. VI.	...	...	460
" No. VII.	...	...	460
" No. VIII.	...	...	461
" No. IX.	...	...	461
" No. X.	...	...	462
" No. XI.	...	...	463
" No. XII.	...	...	469
" No. XIII.	...	...	472
" No. XIV.	...	...	481
" No. XV.	...	...	482

# **CHRONICLE OF EVENTS**

**July—December 1931**



# Chronicle of Events

JULY 1931

**2nd. Judgment in Chirner Forest Satyagraha Case :—**A verdict of not guilty on all the charges against all the 47 accused on all counts was returned by the common jury which was trying the men under various sections of the Criminal Procedure Code and Indian Penal Code in what was popularly known as the Chirner Forest Satyagraha Case in the court of Sessions Judge of Thana. The Judge disagreed with the verdict of the jurors and passed orders to-day acquitting eighteen out of the forty-seven men, and sentenced five to three years, one to eighteen months and three to six months' rigorous imprisonment each. Sixteen were sentenced to pay fines ranging between Rs. 100 and Rs. 200 each. The cases of the remaining four was referred to the Bombay High Court.—The prosecution arose out of a shooting tragedy in which Mr. Joshi, the "mamlatdar" of Panvel, was accidentally shot dead at Chirner on October 26, 1930, when forest satyagraha was practised there. After the tragedy an official enquiry was instituted following which several men were prosecuted on charges of rioting and murder. The trial was a long drawn one, in the course of which over 120 witnesses were examined for the prosecution. The trial itself lasted over three months in the Sessions Court.

**3rd. Mymensingh Train Robbery :—**A daring Railway robbery was committed on the Assam Bengal Railway near Gouripur (Mymensingh) Junction. It appeared on enquiry that Government money amounting to Rs. 1,196 was being carried by the Civil Court peons for paying the staff of Civil Court offices at Jawaranj. When the train steamed off from Gouripur three persons of whom two were armed with revolvers and one with dagger got into the moving train and demanded the money on the point of revolvers. Money was handed over to the dacoits who got down and escaped. Before their departure they warned the passengers not to make any fuss about the matter.

**4th. Trade Union Congress Breaks up in Confusion :—**The All-India Trade Union Congress, which met in Calcutta, adjourned indefinitely on the next day afternoon following uproarious conduct by the Bombay Communist group, who opened the proceedings on the first day with shouts of 'Down with Gandhi', 'Down with the Congress leaders', 'Down with the Round Table Conference', and 'Down with the Delhi Truce-wallahs.' On the 5th, the meeting of the executive witnessed a scuffle between the extremists and the moderates, followed later by the former forcing an entrance to the executive meeting for moving a censure motion against the president, Mr. Subhas Chandra Bose, which was lost by 26 votes to 24. The object of the communists was to secure full executive control of the Congress. Mr. Bose promptly adjourned the session, which had received messages of sympathy from Lord Patterson, Mr. Fenner Brockway, Lord Buxton, Mr. Maxton and Mr. Saklatwala.

**17th. Dinesh Gupta Executed :—**Dinesh Gupta sentenced to death in connection with the murder of Col. Simpson, Inspector-General of Prisons, Bengal, was hanged in the Alipur Central Jail. His body was cremated in the jail grounds according to Hindu rites.

**13th. Police Firing in Srinagar :—**Nine Mahomedans were killed, and scores of others were wounded, several of them being of a serious nature, in consequence of an attempt by Mahomedan sympathisers to storm the jail where one of their number, hailing from Peshawar, charged with delivering an alleged inflammatory speech against Hindus, was to have been tried by the District Magistrate. There was panic in the city. Armed with sticks, stones, clubs and other weapons, the mob overpowered the prison guard, whereupon, the police reserves were summoned. As the

Mahomedans continued to attack the jail, the police were ordered to open fire. Within an incredibly short time, nine demonstrators fell dead from buckshot wounds, while scores of others were wounded.—The trouble was said to have had its origin in Jammu a month ago when a Hindu sergeant of police, it was alleged, profaned the Koran belonging to a Muslim policeman by throwing it on the floor because the policeman failed to appear for inspection. Both were tried with the result that the Muslim policeman was dismissed and the Hindu sergeant was retired. This was said to have caused a tumult in Mahomedan circles who asserted that the Hindu sergeant had not been adequately punished. An ugly feature of the disturbance was that the Mahomedans cut the telephone line from the jail to the palace and the police headquarters so as to prevent news of the assault reaching the Government authorities. This the police said was evidence that the assailants had plotted their raid on the prison with great care and several days in advance.

**16th. Mob rising at Pudukottah** :—Pudukottah, a small State near Trichinopoly, was under mob rule following a hartal as a protest against the enhanced property tax. Dissatisfied at the reply of the President of the Council of Administration to prayers to cancel the tax forthwith, a mob collected near the President's bungalow and indulged in violent demonstrations. The Police opened fire, killing one and injuring several others, which only further infuriated the mob who overpowered the police and the military, looted the bungalow of the President and one or two Police Officers, set fire to court records and Bar Library, attacked and broke open the jail injuring the jailor and set the prisoners at liberty. Due to the intervention of the ex-Dewan, the mob was pacified by revocation of the new tax. The President of the Council, the Dewan and prominent officials were escorted to places of safety wherefrom they went to Trichinopoly. The Additional Chief Magistrate, promulgated an order under Section 144 prohibiting the assembly of five or more persons in any public street or thoroughfare. This was made known to the public by beat of tom tom throughout the town. The Durbar issued a communique wherein they notified two commissions of enquiry and also stated that the repeal of the tax which was obtained under duress will be reconsidered. Meanwhile trouble continued in various other parts of the state, and in the city itself business was resumed only partially and most of the shops remained closed.

**21st. M. N. Roy arrested at Bombay** :—M. N. Roy who recently returned to India from Germany was arrested in Bombay. On receipt of information that Roy was residing in a house at Byculla, a strong force of police under the Commissioner of Police, raided the house at 5 in the morning and placed Roy under arrest under section 121-A, I. P. C. (waging war against the King). A. A. Sheikh, Bombay secretary of the All-India Trade Union Congress, and M. R. Shete, secretary of the Bombay Medical Practitioners Union, were arrested for harbouring Roy.

**22nd. Attempt on Bombay Governor** :—An attempt was made on the life of Sir Ernest Holtson, acting Governor of Bombay, at Poona. Just as His Excellency was entering the reading room of the library at Fergusson College, a student named Vasudev Balwant Cogate fired two revolver shots at him. The first round hit his coat just above the heart but was stopped by the metal stud of the pocket book. The second round went wide and could not be traced. His Excellency overpowered the student who was taken into custody. Another revolver fully loaded with live rounds was found with the student in addition to the one he used. His Excellency was quite unhurt. After the arrest of the assailant Sir Ernest Holtson went round the college as though nothing had happened and fulfilled his programme and returned to the Government House.

*Mahatma's Condemnation of the Outrage* :—In the course of an article in the "Navajivan" strongly condemning the attempt on the Bombay Governor at Poona, Mahatmaji wrote :—"Such deeds redounded not to the glory of India but to her ill-fame. By such deeds, India's fitness for Swaraj was not increased. Swaraj for such a great and ancient country could not be won by treacherous murders. Swaraj did not mean the mere leaving of India by Englishmen. It meant power to administer the affairs of the country by and for the people. This power could not be obtained merely by Englishmen leaving India or by their destruction.

That power could be obtained by serving the countless dumb peasants. Suppose a few thousands or more murderers succeeded in murdering all Englishmen, would they be able to conduct the administration of India? They would murder in their murderous intoxication those whom they did not like."

**23rd. Punjab Mail outrage : Military officer stabbed :—**There was an attempt to murder two military officers who were travelling by the Punjab Mail to Poona and occupied a first class compartment. They received serious stab injuries and their dog was killed. The assailants escaped. One of the officers was sleeping on a lower berth and the other on a upper bunk. The assailants jumped off the running train in full speed in the Mandwa Chandni jungle. One of the injured officers died subsequently while the other recovered.

**27th. Alipore Judge shot dead :—**Mr. R. R. Garlick, district and sessions judge, 24 Parganas, was shot dead in his court room by a Bengali at about 2 o'clock in the afternoon. The assailant was shot dead by the police immediately following the incident.

*Punjab States People's Conference :—*A string of eighteen resolutions were passed in camera by the Subjects Committee of the Punjab States' People's Conference after the Conference had been declared unlawful and dispersed. One resolution emphatically repudiated the scheme of Federation adumbrated at the Round Table Conference on the ground that the wishes of the States' Subjects were not consulted either by the Princes or by the British Government, that it involves division of paramountcy which besides being highly inconsistent with the true spirit and principles of Federation was bound to work as a handicap on the progress of the country and that it shut out the primary right of intervention in cases of misrule. The Subjects Committee also resolved demanding not less than 50 per cent remission of land revenue in the States, strongly protesting against the action of the local authorities in arresting Sardul Singh and prohibiting the holding of the Conference under Section 144 and recording a protest against the repressive policy of "persecutions and prosecutions" in the several Punjab States including Patiala, Jind, Malerkotla and Nahan.

**30th. Gandhiji Condemns the Bhagat Singh Cult :—**M. Gandhi, in an article in "Young India" congratulated His Excellency Sir E. Hotson on his providential escape and warned believers in violence to take a lesson from "this happy tragedy": happy because none has suffered but the assailant. Continuing M. Gandhi wrote: "Bhagat Singh worship has done and is doing incalculable harm to the country. Bhagat Singh's character, about which I had heard so much from reliable sources, carried me away and identified me with the cautious and balanced resolution passed at Karachi. I regret to observe that the caution has been thrown to the winds, the deed itself being worshipped as if it is worthy of emulation. The result is goondaism and degradation wherever this mad worship is being performed." Mahatma Gandhi wrote that it was the peremptory duty of the All India Congress Committee to condemn at the forthcoming meeting the treacherous outrage and reiterate its policy of non-violence in unequivocal terms. Mahatmaji asked the Government not to take any repressive measure to check these crimes. The Government should deal with the cause of the disease. "Any Government action in excess of the demands for the common law will simply intensify the madness and make the task of believers in non-violence more difficult than it already is".

*The Liberal Federation :—*The 13th annual session of the National Liberal Federation of India opened at Bombay at the Cowasjee Jehangir Hall with Mr. C. Y. Chintamani, in the chair, in the presence of over 400 delegates, and a large number of distinguished visitors. Sir Chimanlal Setalvad, Sir Phiroze Sethna, Sir Purshothamdas Thakurdas, Sir Chunilal Mehta, Mrs. Sarojini Naidu, Mr. G. A. Natesan, Mr. K. Natarajan, Pundit Hirdaynath Kunzru, Mr. B. S. Kamat, Mr. N. M. Joshi, Dewan Bahadur Godbole and some members of the Young Men's European Association were present.

## AUGUST 1931

**3rd. Death of Nagpur Congress Leader :—**Death occurred after a fortnight's illness of Mr. Nilakantharao Udhoji ("Dada Saheb"), a prominent member of the Nagpur Bar and a staunch Congressman. Among those who participated in the funeral procession were the Hon'ble Sir M. B. Dadabhoi, Mr. M. V. Abhyankar and Dr. B. S. Moonje.

**Assault on Bombay Nationalist Muslims :—**Wild orgy of hooliganism was witnessed at Jinnah Hall, Bombay when a number of Muslim hooligans made dastardly attempts on the lives of prominent Nationalist Muslim leaders and Congressmen. Mr. S. A. Brelvi was providentially saved from being stabbed in the back as he was getting out of the hall. Other leaders fared equally badly. Mr. M. C. Chagla, Mr. Abidalli Jafferbhai, and Mr. Ganpati Shankar along with prominent Muslim Congressmen were the special target of the hooligans' wrath. The day's casualties included 15 injured persons eight of whom were detained in Congress Hospital.

**8th. Hindu Maha Sabha Conference :—**The 13th session of the All-India Hindu Maha Sabha commenced its session at Akola in the presence of a large gathering of delegates and visitors under the presidency of Mr. C. Vijayaraghavachariar.

**Jamiat-ul-Ulema Conference :—**The opening session of the Jamiat-ul-Ulema Conference was held in the Mayo Hall, Allahabad under the presidency of Maulana Hasrat Mohani.

**New Congress Flag Hoisted in Bombay :—**In torrential rains a large gathering assembled in the Congress House in Bombay, when Mr. Vallabhbhai Patel in the presence of the members of the Working Committee and other prominent Congress leaders, hoisted the newly-designed Congress flag. Mr. Vallabhbhai addressing the gathering said that they had to change the old flag because of the communal colour given to the present flag, which was not much different from the old. He exhorted everybody to guard the honour of the new flag as zealously as they guarded the honour of the old one.

**U. P. Moslem Conference :—**The U. P. Moslem Conference was held at Allahabad under the presidency of Maulana Shaukat Ali, who in the course of his address, said that they did not want the Nehru Report. Their Moslem Congress friends will before long realise that they had been "cruelly deceived" and had been made a cat's paw by Mr. Gandhi and their Congress co-workers. There was not the least doubt that an overwhelming majority of Mussalmans stood by the demands of the All-India Moslem Conference formulated at Delhi.

**19th. Gandhiji Exposes Official Sabotage Tactics :—**Mahatma Gandhi released for publication the Congress Charge-Sheet against officialdom in various Provinces. It was an exposure of the sabotage tactics of the bureaucracy to undermine the whole basis of the Gandhi-Irwin Settlement. The document threw lurid light on the bureaucratic mentality in regard to the implementing of the terms of the Settlement. No Province was exempt from the charges of either coercion, persecution, terrorism or harassment in some form or other.

**21st. Attempt On Dacca Commissioner : Assailant Escapes After Chase :—**Mr. Alexander Cassells, Commissioner, Dacca Division, was shot in his thigh by a young man at Tangail. Mr. Cassells, who was on official duty, was going on foot to inspect the Central Co-operative Bank accompanied by the Sub-Divisional Magistrate and the Chairman of the Municipality; suddenly a young man jumped forward and fired point blank at the Commissioner. The aim was untrue but the bullet hit Mr. Cassells in his thigh, causing a flesh wound. The assailant then turned and fled. He was, however, chased by the Magistrate but managed to escape in the uproar.

**22nd. Senseless Calumny Against Students Must Stop : Some Plain Talks From Dr. Urquhart : All-Calcutta Students' Conference :—**"I do protest most earnestly on behalf of the student community against wholesale condemnation of



the class to which you belong. No class should be condemned because of the evil deeds of some of its members. If this were allowed, what class in any society would stand clear of all reproach? It is a gross injustice to speak as if colleges and schools at the present day were nothing but factories for the production of potential assassins"—these remarks were made by Dr. W. S. Urquhart, ex-Vice-Chancellor of the Calcutta University and Principal of the Scottish Churches College in inaugurating the All Calcutta Students' Conference which met in a tastefully-decorated pandal in Calcutta to-day.—In his address Acharya Kripalani, the President of the Conference, said:—"The problem before you is stupendous. It is not merely a political problem. It embraces the whole of life in all its various departments."....."Political activity was intimately connected with morality, with social reform, with economics and with welfare work in general."

**23rd. Official Counter-Charge against Congress:—**The Government of India issued a statement in defence of the conduct of the Provincial Governments. The Simla statement was not a counter charge-sheet as was generally speculated in political circles. On the contrary it was in effect a feeble defence of the policy of persecution and terrorism complained of by Mahatma Gandhi. "Pure Fiction" "without foundation" "untrue" were the terms freely used in reply to some of the charges levelled against officialdom in various provinces. Wherever, however, the Congress charge sheet could not be repudiated specious attempts were made to explain it away. The following quotation is an illustration of this attempt:—"The police were not used directly for the collection of land revenue; but they were taken only to a few villages which the revenue officers were afraid to visit for the purpose of collecting land revenue without the support of the police." In a number of cases the Government replies characterised the Congress charge as vague and, therefore, beyond investigation, while in others the argument was advanced that they did not come under the terms of the Settlement. In short in the latter cases the Government position was: "what is not explicit is not implicit."

**28th. Agreement between Gandhiji and Government of India:—**The Government of India published to-day the terms of the settlement with Gandhiji. It was emphasised that the Delhi Pact remained operative, and that the Congress would be represented at the Round Table Conference by Mr. Gandhi. The Government of India, in full agreement with the Bombay Government, ordered an enquiry into the allegations that Khatedars in eleven villages of Bardoli Taluka were compelled by coercion to pay revenue in excess of what would have been demanded if the standard adopted in other villages were given effect to. Mr. R. G. Gordon, Collector of Nasik, would hold the enquiry. The Government were not prepared for an enquiry in any other area. Any complaints of a general nature might be dealt with in accordance with the ordinary administrative procedure and an enquiry might be held if the Local Government agrees.

**29th. Gandhiji Sails for London:—**Scenes of enthusiasm unprecedented in the history of the city of Bombay were witnessed to-day when S. S. "Rajputana" sailed for England with Mahatma Gandhi aboard. The city wore a holiday appearance, particularly in Indian quarters where shops remained closed while Congressmen in their thousands wended their way first to the Esplanade Maidan where Gandhiji addressed a meeting and thence to the Ballard Pier to give their leader a hearty send-off. Mahatma Gandhi was being accompanied to England by his son, Devadas Gandhi, two secretaries and Miss Slade (Miraben). Other delegates to the Round Table Conference, sailing by the same boat, were Sir Prabhashankar Pattani, His Highness the Nawab of Bhopal, the Raja of Korea and Pandit Madan Mohan Malaviya.

*Gandhiji's Parting Message:—*Mahatmaji, in the course of a message to the Press just before his departure, said:—"Though I see nothing on the horizon to warrant hope, being a born optimist, I am hoping against hope. My faith is in God and He seems to have made my way clear for me to go to London. Therefore I expect He will use me as His instrument for the service of humanity. For me service of India is identical with the service of humanity. Though

Congress may be repudiated by sections of the people of India, it aims at representing the whole of India and, therefore, to deserve the trust that had been reposed in me and imposed upon me. I shall endeavour to represent every interest that does not conflict with the interests of the dumb millions for whom the Congress predominantly exists."

**30th. Police Inspector shot dead in Chittagong:**—Khan Bahadur Ashanullah, Police Inspector, Chittagong, was shot dead in the evening by an assailant said to be a Hindu youth of about 16 at Nizamatpaltan grounds. The deceased went to witness the football final, in which he was interested. After the play was over, when the Khan Bahadur and others were rejoicing over winning the Railway Cup, the assailant suddenly went close, and whipping out a revolver, aimed several shots at him, one piercing the heart. A Sub-Inspector, standing near by immediately captured the assailant, receiving wounds during the struggle.—Khan Bahadur Ashanullah supervised the investigation into the Armoury Raid Case and the enquiries about the absconders.

**31st. Reign of Terror at Chittagong: Reprisals for Ashanulla Murder:**—A reign of terror was experienced at Chittagong when a maddened mob stormed the business area. All classes of shops were looted, safes were broken open and the contents distributed. Many buildings were set ablaze and houses were stoned. The damage was estimated at a crore of rupees. The total number of casualties could not be ascertained but the senior Deputy Magistrate had his head fractured and several were detained in Hospital. Many shops were completely gutted. The attacks were confined to the Hindu business area, namely, Ander Killa, Terri Bazar, Buxir Hat and Chaktai. Cloth shop-keepers, jewellers, goldsmiths and general merchants, all suffered, the streets being littered with looted articles. The situation was brought under control at five in the afternoon, after which the curfew order was brought into force indefinitely.

## SEPTEMBER 1931

**7th. The R. T. C. : Federal Structure Committee Meeting:**—The Round Table Conference entered on its second and more important phase, with the meeting of the Federal Structure Committee. The Committee met at St. James' Palace under the presidency of Lord Sankey. The meeting, however, was not very encouraging. The Premier and Lord Sankey, while not affirming the late Government's policy, expressed sympathy and goodwill. But Sir Samuel Hoare reiterated the unaltered Conservative position. Important memoranda supplied to the members to facilitate discussion contained an interesting tabular statement comparing the recommendations of the Round Table Conference with the Simon Report, the Indian Central and Provincial Governments' despatches, and the Nehru report.

**Mr. K. C. Roy Passes Away:**—Mr. K. C. Roy, who fainted in the Legislative Assembly, passed away at 4-30 p. m. at the Ripon Hospital from a stroke of paralysis. He was the founder of the Associated Press of India, and one of the oldest journalists in India. The funeral took place on the next day, and a large number of officials and non-officials attended.

**11th. Tamil Nad Naujawan Conference:**—The Tamil Nad Naujawan Conference was held at Erode under the presidency of Mr. Kirandas, in the absence of Mr. Subashchandra Bose.—Mr. J. S. Kannappar hoisted the Naujawan flag in front of the conference pandal and, in doing so, he said that the Naujawan Sabha stood for the attainment of full Swaraj, removal of untouchability and abolition of superstitious customs.—Srimathi G. Durga Bai, in her opening address, said that the youth must usher in the new era when the age-long domination of caste and class must vanish. Then she dealt with the disabilities of women in India and urged the necessity of the economic emancipation of women.—Mr. Kirandas said that the youths of a country were the torch-bearers of its destiny and it needed

great sacrifice on the part of India's youth to attain the goal of complete independence.

- 12th. Tamil Nad Women's Conference :—**The Tamil Nad Women's Conference commenced its session at Erode. Srimathi Padmavathi Asher, in welcoming the delegates, appealed to women to come forward and join the army of national workers and strengthen the hands of Gandhiji by pushing on the constructive work of the Congress.—Srimathi Sarala Devi of Utkal then delivered her presidential address, in which she pleaded for the removal of social evils which had crept into the society in India.

*Gandhiji's Arrival in London :—*No untoward circumstances except bad weather attended Gandhiji's arrival in London. Crowds thronged the streets both in Folkestone and in London. There were rumours of an intended rag by students but a strong police force guarded the approaches to 'the Friends' House, Euston where an overflowing reception was held at 5 o'clock attended by a thousand people. The enthusiastic audience represented the Churches, political parties, missionary societies, Arts, Literature, Trades Unions, the Women's Movement, temperance organisations and many other branches of public life. Mr. Laurence Housman presided and, after a brief silence, extended a cordial welcome on behalf of all English friends to the Mahatma, assuring him that there was in this country a growing body of resolute goodwill towards India which would not be altered or diminished even if the Conference failed.

- 13th. Gandhiji's Broadcast to America :—**Broadcasting for half an hour to America from Kingsley Hall, Gandhiji said that hitherto nations had fought like brutes. But Indians felt that the law governing brute creation was not the law that should guide the human race. He would personally wait, if necessary, for ages rather than seek to attain freedom of India by bloody means. The world was sick to death of blood-spilling and he flattered himself with the belief that perhaps it would be the privilege of India to show the world the way out. Gandhiji invited all the great nations of the earth heartily to co-operate with India in their mighty struggle. He emphasised that in the struggle for self-purification Indians had assigned the foremost place to the removal of the curse of drink. He regretted that in the fight against drink and drugs they had not received the co-operation of the rulers. He appealed to the conscience of the world on behalf of the semi-starved millions of India.

*Mysore People's Party Conference :—*The first Mysore People's Party Conference was held at Chennapatna under the presidency of Mr. D. S. Mallappa. The President, in the course of his speech, condemned the policy of the Mysore Government in regard to the National Flag and prohibition of peaceful picketing. The speaker pointed out the need for responsible government.—The Conference passed a number of resolutions, chief among them being the demand for responsible government in the State, condemning the attitude of the Government towards picketing, support to the Tagadur Khadi centre, and a strong appeal to the Government to effect a cut in the salaries.

- 14th. Viceroy's Address to the Legislature :—**The Federal Structure Committee in London has already resumed its labours accompanied by the good wishes of all in India, and I appeal, with all the emphasis at my command, to those who have the interests of this great country at heart, to preserve an atmosphere of peace and tranquillity, observed His Excellency Lord Willingdon in addressing a joint session of both Houses of the Central Legislature in the Assembly Chamber. Referring to the financial situation, H. E. the Viceroy said: "This is the time for those who are serving India or who owe to her their political and economic allegiance, to put the public interest above all thoughts of private gain or political advantage. This is the appeal I wish to broadcast to the country. Turning to inter-imperial relations, His Excellency said that widespread satisfaction would be felt at the fact that on the question of the Closer Union of East Africa, the views which the Government of India finally authorised the Right Hon. Mr. V. S. Srinivas Sastri to express on their behalf before the joint Committee of Parliament were in complete accord with those of non-official Indian

opinion both here and in East Africa. The Government of India now awaited the report of the Committee with great interest.

**15th. The R.T.C.: Gandhiji States Congress Demand :—**Mahatma Gandhi spoke in the Federal Structure Committee for the first time to day, the second day of the general discussion. His speech, couched in the most moving and well chosen words, created a profound impression. Gandhiji was sitting on the left of Lord Sankey and spoke seated in slow sentence. The speech was not prepared but he periodically referred to the notes. He said that he did not wish at any stage to embarrass the Government or his colleagues at the Conference and if at any time he considered that he was unable to be of useful service to the Conference he would not hesitate to withdraw. Gandhiji then sketched the aims of the Indian National Congress on which all classes and religions were represented. From the very beginning the Congress had taken up the cause of the so-called 'untouchables'. He then read the mandate of the Karachi Congress and declared that the goal of absolute independence stated in it remained intact. He would revise the view if they could convince him that the claim was inimical to the interests of the dumb millions. He had carefully read the premier's statement on British policy and had found it fall far short of the Congress claims. Congress was not intent upon complete independence in order to parade before the universe that they had severed all connections with the British people. The mandate contemplated partnership as between two absolute peoples. While he no longer called himself a British subject and would rather be called a rebel, he still aspired to be a citizen not in the Empire but in the commonwealth or partnership. Gandhiji said that he did not minimise Britain's ability to hold India in subjection under sword. He reflected, as he was nearing England that he should, if possible, convince the British ministers that India was a valuable partner to be held by the silken cord of love. Gandhiji then dwelt on the united force and possibilities of Britain and India. He was positive that the British people did not want to settle upon India a single burden she should not legitimately bear. On the other hand, Gandhiji emphasised that the Congress would never think of repudiating a single claim or burden it should justly discharge.—After Pandit Madan Mohan Malaviya, who also spoke for the first time, had endorsed Mahatma's remarks, Sir Samuel Hoare welcomed the expression of views even when controversial but thought that it would be advisable not to reply to at present but start to work out details of an All-Indian Federation within the British Empire, which constituted their terms of reference.

**16th. Gandhiji's Address to Labour Members :—**Practically all Labour rank and file were present in the Committee room of the House of Commons to hear Gandhiji. He explained his aims and reiterated that he wanted Independence for the sake of the dumb and semi-starved millions. Then, for twenty minutes, he was busy answering questions bearing almost entirely on the industrial situation and the boycott of Lancashire cloth. In the course of the replies Mr. Gandhi said he was not concerned whether Indian industrialists were more heartless than British. He was pleading the case of the villagers from whom the present system drained the last drop of blood. The movement for the exclusion of foreign cloth was conceived wholly for their interests. Asked what India would do if other countries refused to buy her jute and tea, Gandhiji said she did not wish to force her goods on an unwilling world and must take up other industries.

**Hijli Shooting Incident :—**Determined attacks were made, it was stated in an official communique, on four sentries by bands of detenus at the Hijli Detention Camp, Midnapore. One sentry had the bayonet pulled off his musket by his assailants, and another sentry was with difficulty saved by the timely approach of the patrol. The position of the sentries was undoubtedly grave and fire was opened to extricate them and restore control of the camp. Two detenus were killed, and 20 injured, four seriously. Three police officers were also injured. The names of the two detenus killed were :—Mr. Santosh Kumar Mitra, an acquitted accused in the Alipore "Conspiracy" case in which many were implicated, and Mr. Tarapada Dutta of Barisal. The bodies of the two detenus were brought to Calcutta, accompanied by Messrs. J. M. Sen Gupta and Subash Chandra Bose. A large crowd followed the bodies to the burning ghat.

- 17th. *The R. T. C. : Gandhiji Demands Govt. Proposals* :—**Gandhiji, in his speech at the Federal Structure Sub-Committee, complained about the unrepresentative nature of the Committee, and appealed to Government to expedite the business by tabling their proposals. While paying a tribute to the Princes in having agreed to come into the federation he hoped that the Princes would have the interests of their subjects at heart. He expressed his willingness to leave the question of representation of the States to the Princes themselves. He urged adoption of the scheme evolved by the Congress for election, if adult suffrage was adopted. He thought that one Chamber was sufficient. He was opposed to representation of special interests and with regard to Europeans he said that they must rely on the goodwill of the people. He strongly opposed nominations and added that if the constituencies failed to elect representatives of certain classes, they should be selected or nominated by legislature.
- 20th. *Temporary Suspension of Gold Standard in Britain* :—**As from midnight of 20th September Great Britain will be off the Gold Standard. This was the purport of an official communique issued from Downing Street, which stated that His Majesty's Government had decided, after consultation with the Bank of England, that it had become necessary for the time being to suspend the operation of sub-section 2 of section 1 of the Gold Standard Act of 1925 which requires the Bank to sell gold at a fixed price.—An Emergency Bill was passed by Parliament, suspending the operation of the Act of 1925. The reasons which led to this decision were as follows : Since the middle of July funds amounting to more than 200 million sterling have been withdrawn from the London market. During the last few days withdrawals of foreign balances had so sharply accelerated that the Government felt bound to take the above-mentioned decision. This decision will not, of course, affect the obligations of His Majesty's Government or the Bank of England which are payable in foreign currencies.
- 22nd. *The R. T. C. : Gandhiji on the Rupee Question* :—**In the Federal Structure Sub-Committee Gandhiji protested against the manner in which action has been taken in regard to the rupee and said he was unable to give the support which Sir S. Hoare had requested. M. Gandhi said that while every thoughtful Congressman must sympathise with the British nation in the present crisis he expressed surprise and sorrow at the manner in which action has been taken in India. What pained him was the fact that the decision had been taken over heads of the legislature. This, in his view, was a striking proof of the unbending attitude of the Government of India.
- 23rd. *Gandhiji in Manchester* :—**Gandhiji received four weavers from the mills in the immediate vicinity of Manchester. They explained to him that their problem was to retain a decent standard of living and a high quality of workmanship in the face of very keen competition from the East, and the Indian boycott has come as the last straw.—M. Gandhi explained that the Congress attitude was not directed against Britain since the Delhi Agreement, but it favoured home industries against the industries of both Britain and Japan. M. Gandhi said that if England and India would work in a friendly partnership, instead of drifting apart, he would favour Lancashire for the cloth that they could not yet produce in India.—M. Gandhi had a two-hours' informal conversation with 16 cotton employers and trade unionists and fully brought home his stand-point. He made it clear that handspinning was a social and economic movement and must continue in the absence of any effective substitute to ameliorate the condition of the masses.
- 25th. *Dr. Tagore Condemns Hijli Shooting* :—**Presiding over a meeting of the citizens of Calcutta in the Town Hall to condemn the shooting of detenus at Hijli, Dr. Rabindranath Tagore said : "Let me, in the beginning, confess that I never take pleasure in exploiting for political purposes any hurt wrought on us. An outrage that is both tragic and cowardly in its brutality, as the shooting at Hijli proclaims itself to be, should engage our attention solely for the sake of tortured humanity. When I find how almost contemptuously such an act of terrorism may be perpetrated in utter disregard of public opinion, I feel sure that it is but one more of the deterioration that has enfeebled the moral character of

British rule in India. Our people may not have the physical capacity to resist injustice, but no power can obstruct them from passing moral judgment; and on their judgment must every Government, however utterly alien it be, depend for its very existence."

*Bengal Congress Dispute Ends* :—The contesting parties in the Bengal Congress, one led by Mr. Subash Chandra Bose and the other by Mr. J. M. Sen Gupta, having amicably settled the points of dispute, Mr. M. S. Aney, the arbitrator appointed by the Congress Working Committee, announced that the Bengal disputes enquiry was dropped. The terms of agreement included the dropping of all complaints pending before the arbitrator, and the decision to hold the next general election of the Bengal Provincial Congress Committee in January 1932, or as soon thereafter as possible, with the arbitrator as President to control the elections. It was agreed to form a joint executive committee consisting of an equal number of members from both sides, to carry on the work of the Bengal Provincial Congress Committee till such time as the new committee is formed.

**26th. Government Censured in Assembly on its Currency Policy** :—"Sufficient unto the day is the evil thereof", was in effect what Sir George Schuster told the Assembly in defending the Secretary of State's currency policy. But he gathered only forty votes in support of him as against sixty-four who voted for Mr. Shammukham Chetti's censure motion. It was a stirring speech with which Mr. Chetti introduced the subject to the House and explained it so lucidly that even laymen understood that England had linked the Indian rupee to gold in order to get preference for her trade in India. Sir Cowasji Jehangir put the case with perfect frankness: "I do not trust the Secretary of State and what is the use of London coming to my help after I am bankrupt? If this is your policy, the R. T. C. is a farce and we may have to walk out."

*Punjab Political Conference* :—The citizens of Jhang accorded a royal welcome to Baba Gurdit Singh, President-elect of the Punjab Political Conference and Pandit Jawaharlal Nehru and they were taken in procession to the Conference pandal. The national flag was hoisted by Pandit Jawaharlal Nehru who asked the people of the Punjab to prepare for the next struggle for freedom.—Baba Gurdit Singh, President of the Conference in his address supported the creed of non-violence and asked Naujawns and workers and peasants to unite with the Congress to win freedom for the country. He strongly condemned communal disensions and declared amidst applause that he would always give preference to freedom instead of religion, because he believed slaves had no religion. He asked all communities to pull together to win Swaraj under the leadership of Gandhiji.

**27th. Lancashire Cloth to be Preferred Provided Satisfactory Political Settlement is Arrived at—says Mahatma** :—Asked by Reuter at West Bradford to clarify his attitude regarding favouring British cloth, M. Gandhi said that provided satisfactory political settlement was reached he would agree to prohibiting of all foreign cloth except Lancashire cloth which would be admitted to the extent of non-Indian cloth still necessary to supplement India's own supply. This, however, was subject to the necessary conditions about the quality and prices being mutually arranged. There would be no discrimination against Japan but the prohibition would apply to all foreign cloth except British. M. Gandhi added: "If we are using some foreign cloth it will be foolish not to take from England if England is my partner, and take from America, Italy, Japan or any other foreign country." M. Gandhi emphasised that his statement was based on India being absolutely free and that there would in any event be no sacrifice of India's interests for the benefit of Lancashire.

**28th. Report of Chittagong Enquiry Committee** :—The report of the Non-official Enquiry Committee on disturbances in Chittagong was released for publication to-day. The report was signed by Moulana Akram Khan, Mr. B. N. Sasmal, Dr. J. M. Das-Gupta, Mr. T. C. Goswami, Prof. Nripendra Chandra Bannerjee, S. J. M. Sen-Gupta and Mr. N. C. Sen (Secretary). The Committee recorded evidence of prominent citizens of Chittagong who made serious allegations against

the local authorities. The Committee arrived at the following conclusions :—  
 1. "The affairs of Sunday (August 30) night were the result of concerted action by European non-officials, European officers and Mahomedan police." 2. Monday's (August 31) looting was with the knowledge of the local authorities and at the instigation of the police. It was started and carried on under the protection of the police. 3. In the mofussil, the disturbances took place under orders from the local authorities. 4. Behind the disturbances, which had been planned, the motive was to terrorise people, particularly the Hindus.

**30th. Lord Burnham's attack on Gandhiji:**—Mr. Gandhi was undoubtedly the greatest enemy Britain had in India at present, declared Lord Burnham in a speech at Reading. Referring to the Irwin-Gandhi Agreement Lord Burnham said he had high respect for the high-mindedness and other worldliness of Lord Irwin but he did not think Lord Irwin was any match for Mr. Gandhi as a politician. He regarded "Irwinism" as the quintessence of feebleness. Undoubtedly if that policy was persisted in by Great Britain in India we were bound to drift into chaos and disaster. Lord Burnham described the ovations of Mr. Gandhi in England as the "crowning ignominy" of Britain.

## OCTOBER 1931.

**1st. Muslims meet M. P.'s:** An important meeting of the representative peers and members of the House of Commons was arranged in the Committee Room of the Commons to meet H. H. the Aga Khan, Maulana Shaukat Ali, and other Muslim Round Table delegates. Viscount Brentford presided. Lord Brentford in his opening speech stressed that there was another viewpoint in India than that represented by Mr. Gandhi. Mussalmans had long been loyal to the King Emperor. They formed a great section of the population of the Empire not only in India but in other portions. He urged that Britain had been responsible for fair dealing to all sections in India and he hoped that whatever the outcome of the Conference the reputation would be maintained.—Sir. M. Shafi, putting forth the Moslem case, was of opinion that Mussalmans ought not to be deprived of their right of separate elections until they voluntarily surrendered it.—Mr. Shaukat Ali declared that Mussalmans would stretch every fibre for peace which would include all sections of India. If Mussalmans' faith was untouched they would find Muslims honest and they would stand by Britain through thick and thin.

**2nd. Special Representation for Minorities agreed to:**—The non-official Minorities Conference, Gandhiji presiding, discussed Dr. Ambedkar's motion for special representation of minorities like Moslems, Depressed Classes, Indian Christians, Anglo-Indians, Europeans and Sikhs. Gandhiji, on behalf of the Congress, opposed special representation for minorities except Moslems and Sikhs. At the end of the discussion, special representation for all minorities, except the Parsis, who did not desire such representation was agreed to by the majority, Gandhiji dissenting.

**4th. Report on Srinagar Riots—Wild Allegations of Muslims:**—"Your Highness was the only person who acted with promptitude and foresight in any of the riots," was the pointed observation by the Riots Enquiry Commission in their report signed by Sir B. Dalal, Sir Abdul Qaiyum and Mr. B. R. Shwbnay who recorded with regret that the civil executive authority exhibited neither efficiency nor foresight in dealing with the disturbances or subsequently. The promptitude of the military forces in reaching the scene of depredation and restoring peace and order was praised. His Highness was the first to order the palace guards to proceed to Maharajgunj during the loot and the Commission held: "But for the prompt despatch of troops by Your Highness, the devastation in the city would have been terrible.—Among other striking findings of the Commission were that the firing on July 13 was justified and was not prolonged beyond what was necessary and that all shot wounds were right in the front proving that the crowd was advancing and not retreating.—"We are satisfied that the allegations made by the Muha-

madans about the military helping the Hindus are fabricated merely to bring discredit on the military who saved the situation and prevented the Muslims from committing further depredations. In our opinion, these allegations were made with a view to avoiding the employment of the military on any subsequent similar occasion," the Commission observed, and continued, "we are fully satisfied that every grade of Muhammadan point of view has been disclosed to us."

**6th. Labour Party and R. T. C.:**—The Labour Party Conference at Scarborough unanimously passed a resolution reaffirming its belief in the right of the Indian peoples to full self-government and self-determination and supporting the Round Table Conference as a means of establishing this right. Mr. Lansbury, moving the resolution, referred amid cheers, to the help and co-operation of Mr. Benn and Lord Irwin and "that other great man", Mr. Gandhi in the Round Table Conference. He said he pinned his faith on the goodwill of the delegates to the Round Table Conference, chiefly the leaders of "religious sections". He declared that Labourites were going to stand for an era of friendship between Great Britain and India on the basis of the free co-operation and consent of the Indian people. "We stand four square for Federation and a combination of free people under the British Flag."

*Labour Party Manifesto:*—The Labour Party manifesto records the conviction that the summoning of the Round Table Conference by the Labour Party in 1930 opened a new epoch in the history of Anglo-Indian relations. The Party is convinced that the re-assembly of the Conference offers a unique opportunity for friendly partnership between the two peoples. While recognising the difficulties to be surmounted, the Party will offer stern opposition to those seeking to prevent the Conference from bearing its full result. If returned to power, Labour will leave no stone unturned to bring the Conference to a successful issue. The nationalisation of the country's banking system and the re-opening of negotiations with a view to the cancellation of the war Debts and Reparations were the chief points of the Labour Party's election manifesto which was published over the signature of Messrs. Henderson, Clynes and Graham.

**8th. The R. T. C. : The Minorities Deadlock:**—At the meeting of the Minorities Sub-Committee Gandhiji announced the failure of the negotiations to find an agreed solution to the question of minorities. He said that the minorities problem need not stand in the way of proceeding with the work of hammering out a constitution. He added that if a solution of the question was impossible he would support any scheme of private arbitration. He, therefore, suggested that the Minorities Committee be adjourned *sine die*.—Sir M. Shafi opposed the adjournment motion of Gandhiji and said that it was impossible to carry on the work of the Federal Structure Committee without a solution of the minorities problem. Dr. Ambedkar also opposed the adjournment. The Premier who presided over the meeting spoke in the same strain as Sir M. Shafi emphasising that the minorities question should be tackled before the question of constitution-making. In conclusion he said that 'the British Government are determined to make such improvements in the Government of India as will make it consistent with our own ideas, something capable of greater and greater expansion towards liberty.'

**9th. The R. T. C. : Lord Sankey's Appeal:**—Lord Sankey's speech in the Federal Structure Committee was a refreshing contrast to Mr. MacDonald's. It was conciliatory and sympathetic, apologising for the distraction of the British attention owing to the elections. Gandhiji expressed misgivings at marking time but though the Muslims promised to refrain from obstruction of the progress of the Federal Sub-Committee yet they claimed the need for a communal solution before dealing with important issues in that committee. Lord Sankey communicated the "happy news" of the unanimous report of the Federal Finance sub-committee as a big step forward.

*Mr. Sherwani's Reply to Sir M. Shafi:*—A scathing criticism of the Muslim R. T. C. delegates was made by Mr. T. A. K. Sherwani in a speech at a public meeting in Allahabad over which he presided. Mr. Sherwani said it was not true to say that Nationalist Muslims wanted to avoid a referendum. There was a talk of referendum only once, and that was in Bhopal, and the speaker hoped that



Nawab Ismail Khan would bear testimony to the fact that Nationalism at once took up the challenge. Mr. Sherwani was very much grieved to learn that Maulana Shaikat Ali had brought himself down to a state when he required a certificate of loyalty from an ex-Governor of Bombay. The Moulana, the speaker said, might come to terms with the British people as against the Indian National Congress, but when the time came, Indian Muslims would show to the world that they (Muslims) were as loyal to the cause of the country as to any other community in India.

**13th. Mahatma at the National Labour Club :—**"I would consider it nothing if we had to pay million lives for liberty but I hope the Congress will conduct its campaign throughout non-violently and truthfully. So whether it is with one life or a million that we have to pay, I am hoping and praying that it will be possible for the future historian to say that India fought and won her Liberty without shedding human blood," said M. Gandhi at the reception given by the National Labour club, London.—Mr. Henderson welcoming M. Gandhi hoped that the delegates to the Round Table Conference would get down to business after the election and secure a satisfactory termination of the Conference.

**14th. Round Tablers' Conference with Sir S. Hoare on Army Question :—**In the course of his observations Sir Samuel Hoare said that since he had been the Air Minister for six years he could speak confidently on Military issues. According to Sir Samuel Hoare there are three fundamental aspects :—(1) Indian defence has three objects, namely (a) to protect the Empire communication, (b) to protect England against Air attacks, (c) to protect Indian Frontier against external attack. (2) His Majesty's Government do not desire to maintain troops larger than India's own requirements. (3) The Indian Army was not a hidden reserve of Imperial defence. Further the Indian Army is not extravagantly equipped. As a matter of fact it is under-equipped and the Government is constantly reducing the size of the troops and Indianisation is proceeding uninterrupted. Formerly Indian troops were not equipped with the latest form of ammunitions but they are now receiving all ammunitions supplied to the British troops. Finally the British troops never receive orders from others than the British officers.

**20th. Untouchables' faith in Mahatma : Ambedkar disapproved :—**Hundreds of members of the "depressed" classes of Bombay and the suburbs were present at a meeting held at Lower Parel under the presidency of Mr. Sakharam Buwa. The meeting passed a resolution expressing full confidence in Mahatma Gandhi repudiating Dr. Ambedkar's claim to represent all the "depressed" classes. The resolution which was moved by Mr. B. J. Deorukhkar disapproved of separate electorates and demanded joint electorates and adult suffrage and approved of Mahatma Gandhi's suggestion in favour of co-operation. The resolution was carried unanimously and great enthusiasm prevailed throughout.

**22nd. Federal Structure Sub-Committee accepts Lord Peel's Compromise :—**The Federal Structure Sub-Committee dealing with Finance accepted a compromise proposed by Lord Peel whereby, firstly, the general principles laid down by the Finance Sub-Committee were accepted as the basis for drafting part of the constitution dealing with Finance and, secondly, there should be two committees, one dealing with the States' questions and the other "Fact-Finding Committee" which should start work rapidly and provide material on which the final decisions are to be taken. Further, before the end of the Round Table Conference the British Government should state its proposals and make its own recommendations regarding the best method of consulting the parties concerned on points still undecided after the committees have reported. Gandhiji expressed his qualified acceptance of the course proposed, reserving the investigation of the obligations that the National Government should be called on to shoulder and the question of Salt Tax.

**23rd. No-Tax Campaign : Peasants' Conference at Allahabad :—**A resolution was passed by the Peasants' Conference at Allahabad, emphasising that rent remissions in that district were inadequate and that there appeared to be no

other alternative than to restart the no-tax campaign under the guidance of the Congress. Pandit Jawaharlal Nehru, who was present, said that he was ready to resume the struggle as Mahatma Gandhi had cabled permitting them to take any steps they thought desirable in the Allahabad district.—Questioned during an interview in London whether the interpretation could be given to his cable to Pandit Jawaharlal that he was not giving the Round Table Conference a chance, Gandhiji said that his message had nothing to do with the working of the Conference and referred only to the situation in the United Provinces.

**24th. Punjab Nationalist Conference** :—Dr. Ansari, in his address to the Punjab Nationalist Muslim Conference held at Lahore, declared that the scheme of the Congress for a communal settlement was more or less identical with the one prepared by his party. Dr. Ansari continued : I repudiate the false charge, that Nationalist Muslims are a mere echo of the voice of the Congress Hindus or Sikhs. I assert, we have given a lead to the Congress and had a prominent share in formulating its policy.

**25th. Punjab Nationalist Muslims support Joint-Electorates** :—At the Punjab Muslim Nationalists' Conference held at Lahore a lengthy resolution was moved by Mr. Muhammad Naim accepting the communal settlement passed by the Muslim Nationalist Party at Delhi on the 18th March. The resolution was carried with only two dissentient voices. Speaker after speaker supported joint-electorates with adult suffrage in the future constitution of India. Some declared that they would rather have no reforms than have another instalment of reforms with separate electorates. A resolution was carried amidst acclamation, placing on record the conference's determination to achieve complete independence and to accept no constitution which did not give the future government of the country full control over army, finance, foreign affairs and fiscal policy.

**28th. Dacca District Magistrate Shot at** :—Mr. L. G. Durno, District Magistrate of Dacca, was shot at a little after mid-day and was removed to hospital. Whilst returning home from his office at 12-30 p.m. Mr. Durno stopped his car outside a grocer's shop. Immediately, several men fired shots, one hitting Mr. Durno on the temple and one in the face. Passers-by chased the assailants, who, however, escaped. Mr. Durno was subsequently removed to the Presidency General Hospital at Calcutta.—Immediately following the outrage there were, as indicated from reports from Dacca, omnibus raids by police parties on students' messes and private houses. During these raids it was alleged that sergeants and constables assaulted inmates of many of the houses searched. The students of the Johnson Medical Mess assaulted and their private belongings including cash money were found missing after the raid.—The alleged assaults and raid in the Johnson Medical Mess were, it was reported, similar to that made in August 1930 after the attack on late Mr. Lowman when as a result 53 students had to take admission into the Mitford Hospital.

**29th. Mr. Villiers Fired at** :—Mr. E. Villiers, President of the European Association, was shot at whilst sitting in his office talking to three members of the "Royalist Movement", which was recently formed in Calcutta to oppose terrorism. Suddenly, a youth entered at the door, firing three shots before he was arrested. A bullet was extracted from Mr. Villiers' back which was only grazed.

**Bengal Criminal Law Ordinance** : The Viceroy and Governor-General promulgated Ordinance No. 9 of 1931 to amend temporarily the Bengal Criminal Law Amendment Act, 1930, with a view to widen the scope of the existing law. The penal provisions of the Act were also widened by adding to Section 148, the following Sections—121, 124-A, 123 and 216, thereby including offenders such as waging war or attempt to wage war against the King or harbouring offenders. The chief purpose of the Ordinance thus was to enable the Bengal Government to arrest and detain not only those who commit or are about to commit certain offences, but also those who may be members of terrorist associations or be helping such bodies.

**30th. Hijli Shooting Enquiry Committee's Finding:**—The committee consisting of Justice S. C. Malik and Mr. J. D. Drummond appointed by the Bengal Government to inquire into the Hijli detention camp incident on 16th September submitted its report. The committee came to the conclusion that sentry No. 3 on some provocation gave an alarm. Some shots were fired by the sentries, after which there was a half-hearted retaliation by some of the detenus, followed by a regular fusillade from the sepoy and indiscriminate firing, without any justification, on the main building, resulting in the death of two detenus, and in the infliction of injuries of several others. The Committee added that some of the sepoys, with no justification, went into the building, and assaulted some of the detenus with lathis and bayonets, and also fired a few shots. The report exonerated the British camp officials of complicity in the shooting, and added that some of the detenus, in an aggressive mood, were ready waiting to pick a quarrel with the sentries.

**31st. Gandhiji Condemns New Bengal Ordinance:**—The new Bengal Ordinance was attacked by M. Gandhi at a meeting of the Commonwealth of India League, London contending that the Government already had sufficient powers. M. Gandhi condemned the attacks on Mr. Villiers and the District Magistrate of Dacca as deplorable, disgraceful and from his standpoint embarrassing, but referred to the "reprisals in Chittagong for terrorist act" and also to the happenings at Hijli. There was cause and effect constituting a vicious circle. The only remedy was to find the root cause and give India freedom. Chittagong and Hijli, said M. Gandhi, were pointers inviting him to return to India but he would not hasten or show impatience. "I will not leave the Conference in anger. I shall wait, watch, pray and plead, but I have reserved satyagraha and if the Round Table Conference does not meet the Congress demands, we shall fall back on it." M. Gandhi blamed the Government for the communal differences and said that if the Round Table Conference failed, he would not hesitate to revive non-co-operation and so strike a blow at the cause of disunion.

## NOVEMBER 1931

**2nd. Agrarian distress in U. P.:**—At a meeting of the U. P. Congress Committee the question of a "no-rent" campaign was discussed. The Committee was of opinion that unless immediate relief was given in the Allahabad District, as well as in many other districts, it would be justified in resorting to a no-rent satyagraha in the terms of the Simla Agreement, dated 27th August, but that before resorting to the extreme measure, another effort should be made to obtain relief.

**3rd. Situation in Kashmir:**—The Publicity Officer, Kashmir, stated:—"Nine were killed by military firing on 3rd November at Jammu. In communal clash, three Muslims and one Hindu were killed. Hindu shops were burnt and the temple of Ranibialuri was looted. Pistol shots were fired on the Military by the mob. Eight Hindu shops and eight Muslim shops were looted. Muslim volunteers paraded the street, with naked swords, which were ordered to be seized. Peace Committees were formed consisting of Hindu and Muslims with joint responsibility for the peace of the city and jathas are being dealt with under Section 151 of the Criminal Procedure Code."

**Terrorist crimes condemned by Calcutta citizens:**—A public meeting of the citizens held in the Albert Hall, Calcutta, Mr. Subash Chandra Bose presiding, adopted a resolution deploring terrorist outrages, and appealing to the revolutionary element in the province to rally round the Congress banner and to follow its creed and programme. Mr. Subash Chandra Bose accused the Government of responsibility for the present terrorist crimes, inasmuch as they had failed to act in accordance with the spirit of the Truce terms, and added that until the Government had made up their minds to end the present chapter of repression, and Europeans generally changed their mentality, he could not see how the terrorist movement could be checked. He referred in this connection to the observations of a Calcutta paper, that the only cure for terrorism was

counter-terrorism and appealed to the youth of the country to adhere to the creed of non-violence and refrain from retaliation in order to see how far the Government were prepared to meet the public demand.

**4th. Kashmir State Protection Ordinance :—**The Kashmir State (Protection Against Disorders) Ordinance was promulgated by the Viceroy to-day. It was "to prevent assemblies of men from proceeding from British India into the territory of the Maharaja of Jammu and Kashmir and promoting disorders therein." There was no statement of objects and reasons attached to the Ordinance. The ordinance extended to the whole of the Panjab.

**5th. Mahatma Meets His Majesty :—**Mahatma Gandhi met King George for the first time to-day, since thirty years when His Majesty as Duke of Cornwall visited South Africa. M. Gandhi then presented an address on behalf of the Indian community.—Bareheaded and clad in the customary loin cloth and shawl, the Mahatma, who was accompanied by Mrs. Sarojini Naidu and Mr. Mahadev Desai, went to the Buckingham Palace in response to the King's invitation to a party which was attended by all the delegates to the Round Table Conference. His Majesty talked for five minutes with Mahatma Gandhi.

**8th. Hijli and Chittagong Outrages Condemned : Urgent Call to Mahatma to Return :—**The Congress Working Committee at its meeting to-day condemned the Hijli and Chittagong outrages and opined that these "occurrences have demonstrated the incompetence and inhumanity of the Government officials." The Committee urged that those found guilty in the Hijli affairs should be adequately dealt with and full compensation should be given to the sufferers. In condemning the new Bengal Ordinance the Committee pointed out that "these powers of arrest are being grossly abused and that no one in Bengal is free from their application." The Committee also condemned the violent attempt made on the lives of Messrs. Durno and Villiers and emphasised that public violence on the part of the people can only hinder the nation in its march for freedom. The Committee discussed for four hours Mahatma's cablegram regarding his future programme and considered his further continuance in the Conference. The Committee also drew Mahatma's attention to the rapidly worsening situation in Bengal, the Frontier Province, the United Provinces and elsewhere.

**10th. Gandhiji addressed a mass meeting at the Friends' Meeting House in London** organised by the League of Fellowship and Reconciliation which is composed of representative bodies interesting themselves in international peace movement. In his address Mahatma mainly dealt with the claim of the Congress to represent the Indian masses. Gandhiji said : "Why does this Round Table Conference seem to be failing ? The answer is, because it does not contain real representatives of the nation, but merely supposed representatives. It is a packed house. I, who am representing over ninety per cent of the Indian population, am pitted against 149, or whatever the number of other delegates. So how can I prove that I overshadow the other 149. Immediately I make good that claim, you will see that my task before the Conference and the British Ministers will be easier. Unless I prove that the Congress represents the bulk of the people, I must go back and restart Civil Disobedience. Gandhiji continued : "The Congress undertakes to take charge of the new Government of India, and if it does not get it by negotiation, it will get it by self-suffering, to avoid which I have been brought here by Lord Irwin. Something must have struck Lord Irwin that we had suffered sufficiently and that we represented the people of India, otherwise it would have been wrong on his part to release people from prison before time, and also why should he have negotiated with me, if he had not recognised us as representing the nation ?"

**13th. U. P. Rents Committee's Report :—**The Rent Committee which sat at Naini Tal published its report containing a number of resolutions adopted with the object of bringing rents in U. P. in conformity with the present price levels. These proposals were, however, not accepted by the Government, which announced remissions on November 5th based on a different principle.

**15th. U. P. Agrarian Distress :—**The Council of the United Provinces Congress Committee held a prolonged and confidential meeting and among those present were Pandit Jawaharlal Nehru, Pandit Govind Ballabh Pant, Mr. Sherwani, Mr. Sri Prakash, Mr. Tandon, and others. Resolutions were passed emphasising that unless sufficient relief was forthcoming from the Government, to alleviate the distress of the peasantry, they will have no alternative but to withhold payment of rent and revenue; authorising the Allahabad District Congress Committee to advise the agriculturists to withhold payment of rent and revenue during the pendency of the negotiations with the Government. The Allahabad District Congress Committee accepted the Council's advice and printed instructions were being issued to the peasants.—On the other hand Government were taking every step to see if any further remissions in rent were possible, and Mr. Bomford, the Collector, was making a personal examination of each "Kata."

**17th. Present Army an Army of Occupation : Mahatma's Congress Demand :—**"I claim on behalf of the Congress complete control over the Army and External Affairs whether it was the British troops or Indian sepoys," said Mahatma Gandhi in the Federal Structure Committee to-day. "The present army is an army of occupation. My position is that either I get complete control or you disband the entire army. The Congress has faith in itself and the masses and in the brave military races of India and in the Englishmen also."—"If the British people think that we should require a century still before the Army is transferred to us, the Congress will wander in wilderness for that century. Congress must go through that fiery ordeal, must go through the midst of storm and stress, through the midst of misrepresentation, through the midst, if necessary, of showers of bullets. That is my fundamental position. But if this one thing is granted, I am resourceful enough."

**18th. The R.T.C. : Britishers Demand Safeguards for Trading Rights :—**The Federal Structure Committee discussed the question of commercial discrimination to-day. Mr. Benthall on behalf of British trading interests said that the leaders of British commercial opinion had no desire to stand in the way of Indians' constitutional advance on sound lines but unless the rights of the British commercial community were constitutionally protected most clearly and unequivocally, they must reserve their consent to the transfer of political power.—Mr. Jayakar assured Mr. Benthall that India did not desire any racial discrimination. She had suffered from it in the past and when she was free she would be careful to avoid it.—Sir Purushottamdas Thakurdas said that what Mr. Benthall had said indicated : "You shall not touch anything in which any Britisher is interested and we want a provision for it from now." That was a tall and unjustifiable order.

**19th. No-Rent Move in U. P. :—**The Allahabad District Congress Committee passed resolution that after having accepted the advice of the Council of the Provincial Congress Committee and having reconsidered the District Committee's decision of the 15th November, it decided to withhold payment of rent and revenue while negotiations were pending with the Government and called upon the agriculturists to do so. Printed instructions accordingly were being issued to the peasants.

**The R. T. C. : Mahatma's Formula :—**At the Federal Structure Sub-Committee, Mahatma Gandhi said that it was impossible to commit the Congress, much less the future Government of India to a sweeping resolution of the character of the formula adopted in the last session providing for no discrimination between the rights of the British Mercantile Community and the Indian born subjects. He expected that the future Government would be constantly obliged to discriminate in favour of the famishing Indians against those who blended riches with other privileges. But he said that he associated himself completely with the British merchants and European houses in their legitimate demands that there should be no racial discrimination. He proposed following two formulae :—1. "No disqualification, not suffered by Indian-born citizen of the state, should be imposed on any persons lawfully residing or entering India merely on ground of race, colour or religion." 2. "No existing interest, legiti-

mately acquired and not conflicting with the best interests of the nation in general shall be interfered with, except in accordance with law applicable to such interests.

**23rd. Lords Discussion on Terrorist Menace in India: No Transfer of Army Control** :—"Drastic action must be taken to end this menace to individual liberty and social peace," declared the Marquis of Lothian in the House of Lords in reply to a question by Lord Brentford drawing attention to murders and outrages on British citizens in India. Lord Brentford criticised the speeches of Mahatma Gandhi in England and suggested a Government statement that under no circumstances would the British Army in India be handed over to Indian control. Lord Elibank accused Gandhiji of trying to break up the Round Table Conference and suggested the deportation of Mahatmaji and "his fellow conspirators to some Island in the Indian Archipelago." Lord Snell admitted the seriousness of the situation but said that they could not settle the problem of India by the policy of raid, seizure and punishment.

**25th. Mahatmaji explains Bengal Situation Before the Federal Committee** :—At the Federal Structure Sub-committee Mahatma Gandhi made special reference to terrorism in India, Bengal detenus and the position of Bengal in the future constitution of India. Referring to Bengal Mahatmaji unequivocally deprecated terrorism but he asked what would be the position of Bengal in future India when provincial autonomy would be granted to her? Under the proposed scheme of provincial autonomy Bengal, according to Mahatma Gandhi, would not be able to set free her young men detained without trial or repeal Regulation III of 1818 from the Statute Book being still controlled from the Centre. This was a position, continued the Mahatma, which his scheme of provincial autonomy would not tolerate. Being autonomous in her internal management Bengal should be free to release all detenus, whether they were called terrorists or not, and should have a chance to convert these young men to the teachings of the Congress. "Mr. Sen-Gupta", continued Mahatma Gandhi, "has come over to this country with details of incidents at Chittagong and Hijli. Mr. Sen-Gupta's case is that since the signing of the Delhi Agreement Bengal has been placed beyond the pale of the truce terms and non-violent Congress workers are being victimised under the plea of suppressing terrorism. The substance of the Chittagong report signed by members of all parties in Bengal is that there had been an application of "Black and Tan" methods in Chittagong." Continuing the Mahatma said the Government would not be able to suppress terrorism by these methods. Military demonstrations in the streets of Calcutta would not frighten the terrorists nor would it wean Congressmen away from Civil Disobedience.

**26th. Malaviya-Hoare exchanges in Federal Committee** :—Heated passages occurred in the Federal Structure Sub-Committee while Pandit Malaviya was urging the Government to take a course which would not leave it open for critics of those who attended the Round Table Conference to claim that their strictures were justified. Pandit Malaviya declared, "You have made a recent appointment which is an indication of the policy which might possibly be pursued." Pandit Malaviya referred to the appointment of the new Bengal Governor, whose name had been connected with the administration of Black and Tans in Ireland.—Sir Samuel Hoare said that the Pandit was making an unfair charge against one of the respected public servants in Britain. But Pandit Malaviya denied that he brought a charge but said that he only suggested that, if that was an indication of the policy to be pursued, he wished to protest against it.

**28th. The R. T. C.: opening of the Plenary Session** —The plenary session of the Indian Round Table Conference opened to-day, the Premier presiding. After formal opening by the Premier, Lord Sanku submitted the Federal Structure Sub-Committee's reports dealing with legislative powers and reserved subjects and moved their adoption. The Premier submitted the Minorities' report simultaneously informing the Conference that his offer to give a decision and the conditions attached to it had not been accepted. The general debate then began. Striking speeches were made by the Nawab of Bhopal, Sir H. Carr, Mr. A. Rangaswami Iyengar and Sir Manubhai Mehta. Mr. Iyengar laid emphasis on the Government's January pledge which constituted an undertaking to transfer power from Parliament to the Indian Legislature.

## DECEMBER 1931

**1st. Second Act of R. T. C. Drama Concluded :**—The following are the salient features of Mr. MacDonald's announcement at the Plenary Session of the Round Table Conference :—(1) The Government reaffirm their belief in an All India Federation and will pursue that path ; (2) The Government are inviting the House of Commons immediately to ratify the policy contained in the aforesaid declaration ; (3) His Majesty's Government intend to decide the communal question if a voluntary agreement is not arrived at by the communities by an early date ; (4) The Government intend to include in the Indian constitution the guarantee of natural rights of minorities on an agreed basis ; (5) A Standing Committee of the Round Table Conference will be constituted which His Majesty's Government will consult from time to time through the medium of the Viceroy ; (6) A Third Round Table Conference will be convened for the purpose of reviewing the labours of the Committee ; (7) The North-west Frontier Province will be immediately converted into a Governor's Province on the basis and within the limits of the present Government of India Act with due regard for special needs of that province ; (8) Sind will be created into a separate province, provided the financial problem can be solved and an attempt will be made to solve that problem ; (9) Three new committees will be appointed namely : (A) a committee to examine federal finance on a budgetary basis ; (B) a committee to formulate proposals regarding franchise and electoral constituencies ; (C) a committee to examine all such existing treaties with the Indian States ; (10) His Majesty's Government to assist the Princes in the task of distributing among the Princes seats allotted to the Princes as a whole in Legislature ; (11) In deference to protests from the Indian delegates His Majesty's Government has postponed its decision on the question whether only Provincial Autonomy should be introduced first.

**2nd. Burma Round Table Conference :**—The second plenary session of the Burma Round Table Conference opened to day. Lord Peel, opening the general discussion, said that our task would be to seek an agreement on the means by which, similarly as in the case of India, without prejudicing the prospects of the progress to the goal, certain essential interests and obligations were to be safeguarded until Burma gained experience of new responsibilities. The question whether separation was open for discussion was raised at the outset. Lord Peel said that the discussion must be separated, pointing out that if the Conference was unanimous in favour of union it would not have matter for discussion, but the members would be free to oppose and by participating in the discussion of a separate constitution they would not be bound, but it would be open for them to declare their opposition to separation. In the course of the general discussion at the Conference Tharrawaddy U. Pu put anti-Separationists' case and said they would participate in the discussion without prejudice to the principle of separation, but if Dominion Status was granted there was no need to press the issue for the anti-Separationists would agree to the separation if Burma was to be free. Mr. Graham Pole said that the new constitution must come from Parliament, but it must rest on the goodwill of the people concerned. He hoped that the Conference would evolve a constitution that might be put on a permanent basis with provisions for future automatic progress in order to secure not only the stability of Government, but the co-operation of the people.

**4th. No-Rent Deadlock in U. P. :**—A breakdown occurred in the negotiations which were proceeding between the Congress and Government representatives in respect of the question of rent remissions and other problems relating to the agrarian conditions in the United Provinces. This breakdown was apparently the outcome of the resolution which the council of the United Provinces Provincial Congress Committee recorded at Allahabad on Nov. 15 authorising the Allahabad Congress Committee to advise the agriculturists to withhold payment of rent and revenue during the pendency of the present negotiations.—Mr. Clay, the chief secretary to the United Provinces Government, informed Mr. Sherwani, the President of the Provincial Congress Committee, in a letter received yesterday, that in view of the refusal of the Provincial Congress Committee council to suspend its resolution dated Nov. 15 authorising the Allahabad District Congress Committee to advise tenants to withhold payment of rents and its refusal to instruct the

latter committee to cancel the notices issued to tenants giving advice to withhold payments, the Government have withdrawn definitely the offer of discussion made in the course of correspondence by Kunwar Jagdish Prasad.

**6th. Bengal Provincial Conference urges intensive action :—**Under the presidency of S. J. Hardayal Nag the special session of the Bengal Provincial Political Conference unanimously adopted, after three hours' discussion, a resolution recording it as its opinion that the Gandhi-Irwin Pact had practically ended in Bengal and resolved that the time had arrived for the "resumption of the Satyagraha campaign for the attainment of independence," urging the people of Bengal "to prepare themselves for the coming fight and deciding that in the meantime a programme of action including intensive boycott of British goods, boycott of all banks, insurance companies and steamship companies and other concerns controlled by Britishers and boycott of Anglo-Indian newspapers" be given effect to without delay.

**11th. No-Rent Preparation in U. P. :—**Preparations for the immediate launching of a vigorous no-rent campaign in the districts of U. P. were being made by the Congress leaders of the province in right earnest. More than thousand meetings of peasants were held throughout the districts. Enthusiasm was high and determination was writ large on the faces of the peasants. Over one lakh of peasants pledged themselves not to pay any rent and go through all sorts of sufferings to realise their object.

**Omnibus Searches and Arrests in Bengal :—**The police appeared vigilant throughout the province in making raids into houses and taking young men into custody several of whom were subsequently placed under the Bengal Ordinance.—Seventeen young men arrested in Calcutta during the last week in connection with the find of arms and ammunition were placed before the Chief Presidency Magistrate who remanded them to custody. Of the total 25 young men arrested three were placed under the Bengal Ordinance and another three were discharged. Two more young men arrested in Calcutta for alleged possession of a revolver and three young men arrested in a village of 21 Perganas in connection with the arms find were also remanded to custody.—In Comilla following the theft of a loaded revolver from the house of a local doctor, the police simultaneously searched twenty-one houses and took twelve young men into custody. Raids by the police into houses alleged to be in possession of absconders proved futile, as nobody could be found there.—In Rajshahi the police arrested the Secretary of the District Congress Committee, and two other prominent Congress workers in connection with no-rent campaign in Brikutsa.—In Chittagong the police carried on a number of searches in the interior villages in search of absconders but those searches yielded nothing.

**13th. Magistrate of Tipperah Shot Dead :—**A dastardly outrage was perpetrated at Comilla at about 10 a.m. in the morning when Mr. C. G. B. Stevens, District Magistrate of Tipperah, was shot dead in his bungalow by two girls, named Santi Ghosh, student of Class VIII of the local Girls' High School, and Suniti Choudhury, another student of the same school. These girls, who are in their teens, sought an interview with the Magistrate who was shot several times in quick succession, while he was writing something on a petition presented by them, causing immediate death. The girls were immediately put under arrest.—A large number of houses in Comilla were searched in this connection, and, among others, Mr. Kamini Datta, a well-known Advocate, and Srimathi Indumathi Singh, sister of one of the alleged ring-leaders of the armoury raid in Chittagong, were arrested.

**14th. The United Provinces Emergency Powers Ordinance, being Ordinance 12 of 1931, was issued to-day and simultaneously the U. P. Government issued at Lucknow a statement showing why they have taken special powers to meet the situation. The Ordinance includes provisions to control suspected persons on the lines of the Bengal Criminal Law Ordinance, to take possession of buildings and control transport and impose fines on the lines of the Chittagong Ordinance. It gives power to collect arrears of notified liability as arrears of land revenue and makes**



it an offence under the Press Act for the Press in any part of British India to instigate non-payment of rent. A penalty of two years' imprisonment is provided for disobeying orders prohibiting a suspected person's movements and six months for instigation to nonpayment of a notified liability. Power is also taken to direct payment by the parent or guardian of the fine imposed on a young person. The Ordinance was applied to the five districts of Allahabad, Rae Bareilly, Unao, Cawnpore and Etawah.

**15th. Anand Bhawan and Swaraj Bhawan Searched :—**Several places, including Anand Bhawan, Swaraj Bhawan, and the District and the Town Congress Offices as well as the Abhyudaya Press, were searched this afternoon under the new Ordinance, and hand bills concerning the no-rent campaign were seized in addition to certain other literature.

**20th. Sweeping Arrests At Dacca :—**The Dacca Police searched 53 houses throughout the city, including a female boarding house attached to the Deepali Girls' High School in Wari, and the Ananda Asram of Gandaria, a home for poor girls. The Police also arrested two women, Miss Lilabati Nag, Headmistress, Deepali girls' School & Miss Renuka Sen, a student of the Dacca University, as well as sixteen young men, mostly students. The two women were arrested under the Ordinance. In searching the female boarding houses, the Deputy Magistrate arranged that the search party should be accompanied by women to search the persons of girls wherever necessary.

**21st. Mr. Purushottamdas Tandon Sentenced :—**Mr. Purushottamdas Tandon was tried under the U. P. Ordinance, for disobeying the order of the Magistrate, prohibiting him from taking part in the meeting on 18th December, at the Purushottamdas Park in Allahabad. The Magistrate sentenced him under Sections 12 and 13 of the Ordinance to one year's and six months' rigorous imprisonment, respectively, both the sentences to run concurrently.

**Pandit Krishna Kant Malaviya Sentenced :—**Pandit Krishna Kant Malaviya was sentenced by the First-Class Magistrate of Allahabad, under Section 13 of the Ordinance (disobeying an order) to six months' rigorous imprisonment. He pleaded "not guilty", saying that he had committed no offence. He also refused to cross-examine the witnesses.

**22nd. House-searches in Calcutta :—**The police raided twenty houses including boarding establishments in Calcutta, and arrested ten youths, including a Mahomedan. The arrests were stated to have been made in connection with the recent find of arms in Calcutta and Howrah. Six were discharged by the Magistrate.

**Bangiya Seva Dal Declared Unlawful Association : Extensive Searches in Calcutta :—**The Government of Bengal declared the Bangiya Seva Dal an unlawful association as in the opinion of the Governor in Council the Dal "has for its object the interference with the administration of the law or with the maintenance of law and order. The Calcutta Arts and Crafts Exhibition in Chittaranjan Avenue was raided by the police and a clay model depicting Indian ladies inside the jail and a police taking away picketers under arrest was seized. The officers of the special staff of the Port Police raided about thirty houses in north and central Calcutta. About ten young men including a Mahomedan were arrested.

**23rd. Allahabad Congress Office Raided by Police :—**Under instructions from the Magistrate, the offices of Allahabad City and District Congress Committees were raided by the Police under the Ordinance and all materials confiscated and the premises locked up. The materials seized were collected in lorries which coolies refused to pull, whereupon the Police themselves pulled the carts and carried away the goods. The Congress Lodging House on Hewett Road, was searched and some property taken away.

**Formation of Round Table Committees : Marquis of Lothian—Chairman of Franchise Committee :—**Simultaneous publication in India and England of the following communique took place :—The Prime Minister in his statement on December 1 at the concluding meeting of the Indian Round Table Conference announced the intention of His Majesty's Government to constitute the following committees to investigate in India and make recommendations on certain matters arising out of the discussion of the Round Table Conference :—(a) A Committee to investigate and advise on revision of Franchise and constituencies ; (b) A Committee to put to the test of detailed budgetary facts and figures the recommendation of Federal Finance Sub-Committee, and (c) A Committee to explore more fully the specific financial problems arising in connection with individual States.

**Etawah Conference Postponed :—**The Etawah Conference which was announced to take place to-day was abruptly postponed. The U. P. Government asked for a pledge from the U. P. Congress Committee that nothing would be said or done during that Conference in furtherance of the "No-Rent" campaign and if such an assurance was not forthcoming the Government would be obliged to prevent the holding of the Conference. The Council of the U. P. Provincial Congress Committee refused to give such an undertaking. But, in view of the impending return of Gandhiji and the meeting of the Working Committee of the Congress, it was decided to postpone the Conference.

**24th. Ordinances for the Frontier :—**Three more Ordinances were promulgated to-day by the Governor-General. They dealt with the situation in the North-West Frontier and were styled Nos. 13, 14 and 15 of 1931.—The 13th Ordinance confers special powers on the Frontier Government and its officers, for the purposes of maintaining law and order. It embodies several of the provisions of the Chittagong and U. P. Ordinances, and also contains a few new provisions. — Ordinance No. 14 provides against the instigation to the illegal refusal of the payment of certain liabilities (to be notified) in the Frontier.—The 15th Ordinance makes further provision in the Frontier against Associations dangerous to the public peace. A Magistrate or any officer authorised by the Government, may take possession of a place notified as being used for the purposes of an unlawful Association and evict therefrom any person found therein, as well as take possession of movable property found in the place.—The Chief Commissioner of the North-West Frontier, in a statement supporting the three Ordinances, traced the general nature of the emergency which had necessitated the action taken.

**25th Frontier Leaders Arrested :—**Mr. Abdul Gaffar Khan, leader of the "Red Shirts", his brother Dr. Khan Sahib, the latter's son Mr. Saadullah Khan, and Qazi Attullah, Pleader, Mardan, were arrested under Regulation III of 1818, and removed from the Frontier Province. The Frontier Provincial Congress Committee and other District Congress Committees were declared unlawful associations.

**26th. Pt. Nehru and Mr. Sherwani Arrested :—**Pandit Jawaharlal Nehru and Mr. T. A. K. Sherwani who left Allahabad for Bombay to welcome Mahatma Gandhi and attend the meeting of the All-India Congress Working Committee were arrested on their way about 11 miles away from Allahabad under the orders of Mr. H. Bomford, district magistrate of Allahabad, for the alleged disobedience of his order passed under the U. P. Emergency Powers Ordinance, forbidding them from leaving the municipal limits without his permission or the permission of the superintendent of police.

**Arrests of "Red Shirts" : The Kohat Firing :—**After the announcement on 25th December that volunteer organisations connected with the "Red Shirts" Associations were unlawful under the Criminal Law Amendment Act, some "Red Shirts," dressed in their uniform appeared in batches at different parts in the Peshawar City. They were arrested under Sec. 17 of the said Act. The rounding up of the "Red Shirts" continued. Resistance was offered three times at Kohat before "Red Shirts" could be dispersed.—A crowd of 500 appeared on the eastern side of Kohat Cantonment near Bhagnagar village and refused to disperse necessitating a lathi charge. They persisted in their attempts and the Military was compelled to open fire resulting in eleven being killed and fifty being wounded. Mr.

Scroggie, the Superintendent of Police was injured in the nose by a stone and one Lance head-constable was injured in the hand.—A third crowd appeared on the southern side of the Kohat Cantonment consisting of 2,000 Khattak Red Shirts. They held the Military near the Railway crossing, refusing to disperse. The Deputy Commissioner unsuccessfully parleyed with them and the result of this was that a stone was thrown at him after which the Military opened fire killing a number of people.

**28th. *Gandhiji condemns arrests of leaders* :—**"If a fight becomes inevitable, I invite you to be ready for it. However I won't give up attempts to save the nation from the fiery ordeal ; but if there is not a single ray of hope, I won't flinch from inviting you to undergo any amount of suffering", declared Gandhiji in the course of his speech at a mammoth meeting at Azad Maidan, Bombay, to-day. The Mahatma, at the outset, referred with grief to the arrests of Pandit Jawaharlal Nehru and other U. P. leaders and Khan Abdul Gaffar Khan and the recent firing near Peshawar, and asked the people not to lose their heads, but to keep cool and continue the Congress programme.—Speaking at the Welfare of India League, Gandhiji said:—The North-West Frontier Province Ordinance was without a parallel. The ostensible reason for promulgating it was not that something had been done, but something that the Khudai Khitmatgars might do. Replying to questions, Gandhiji said that if the Ordinances were repealed, he would advise the Congress to see its way to co-operate in the work of the Round Table Conference Committees shortly meeting in India, but the Ordinances now blocked the way.

***Gandhiji's Home Coming* :—**Precisely at 8 a.m. S.S. 'Pilsna' conveying Mahatmaji touched the wharf at Bombay. Immediately after, Sardar Vallabhbhai Patel with other members of the Working Committee received Gandhiji on board the ship. The Sevikas presented him a Guard of Honour.

**29th. *Gandhiji's request for Interview with Viceroy refused* :—**Gandhiji, on 29th December, sent a telegram to H. E. the Viceroy seeking for an interview regarding the Ordinances. The Viceroy's reply of 31st December stated that His Excellency was not prepared to discuss with Gandhiji measures which the Government of India, with the full approval of His Majesty's Government, found it necessary to adopt in Bengal, U. P. and the Frontier Province. Gandhiji, in his reply to that telegram of the Viceroy, requested His Excellency to re-consider his decision and to see Gandhiji without any conditions as to the scope of discussion. He also stated that the Civil Disobedience resolution, passed by the Working Committee of the Congress, would be suspended during the discussions. To this telegram of Gandhiji, the Viceroy refused to grant the interview.



# **INDIA IN HOME POLITY**

**July—December 1931**

# INDIA IN HOME POLITY

## INTRODUCTION

### I. "GOVERN OR GET OUT"

The latter half of the year 1931 was, politically, a period of truce between the Congress and the Government, and, financially, a period of abysmal depression and grave anxiety. The Gandhi-Irwin Pact of March 5 had ushered in peace in the land. But as later events showed, it was deceptive and passing and not real and permanent peace. The two illustrious authors of the Pact were of course honest in their hopes as to peace they so nobly and so wisely brought into being; but every acute observer of men and events felt that conditions both in India and at "home", and tendencies both of thoughts and affairs, were not such as to make it the ending of the last phase of the Indian struggle and the beginning of the first act of the consummation of India's aspirations. The die-hards in India and in Britain, and the so-called Left-wing of the advanced school of Indian politics, had not cared to conceal their dissatisfaction at the Pact, and had, either overtly or covertly, been shewing their impatience to resume what they thought must be "a fight to a finish". Sir S. Hoare for instance—who was a conservative member of the R.T.C., but not yet a member of the National Government—said that it would be much better to face difficulties than to evade them. This might or might not refer to the patch-up nature of the truce and the unreality of the negotiations to be conducted upon its basis; but there could be no doubt whatever as to the meaning of Lord Burnham's assertion that Irwinism was the quintessence of weakness. It was widely felt in India and by the friends of India that this represented not an isolated and sporadic attitude of hostility in relation to proposals of real and substantial concession to the Indian demand. "We must govern or get out"—these alternatives alone were perhaps present to a very considerable and powerful section of the mind of the ruling race. The "Manchester Guardian" wisely observed: "The problem in India is not governing or getting out. These are cowardly alternatives. We have governed India, and now we must help India to govern herself."

### II. "SINCERITY AND SPEED"

After ages of slumber and suspended animation Asia is now rising and asserting herself. She is already a power that the West must reckon and deal with. A contented India linked to the Commonwealth of the British nations should be a link between Asia and Europe—the "Manchester Guardian" also said. This showed that the Liberal organ possessed the rare gift of political imagination and sagacity, and the rarer sense of human justice; but it is doubtful if there were many in the councils of the empire "upon which the sun never sets" who were disposed to give it an earnest thought as a practical proposition. Mr. Garvin in the "Observer" (which evoked a vigorous reply from Munshi Ishwarsaran) and Sir S. Hoare at the Central Council of the National Union of the Conservatives and in the House of Commons (July 9) gave

expression to opinions, which though couched in cautious language, showed nevertheless the determination of conservative England to base any policy of Indian advance upon what the latter called "the basic question of safeguards." And it need hardly be said that conservative England has mattered, potentially when not actually, more than either Liberal or Labour England so far as the determination of that policy is concerned. Of course Mr. Benn in the House of Commons Debate on India Office Estimates made a chivalrous defence of the Delhi Pact with the Congress; and said that though he could not be sure of all Mr. Gandhi's followers, his information was that Mr. Gandhi himself represented in India a great force for peace. What, according to him, was supremely needed in the tackling of the Indian question was "sincerity and speed". To a great bulk of his audience both inside and outside the House, the supreme need in regard to the policy to be followed in India was however firmness and caution.

### III. "THE SEDITIOUS FAKIR"

There is no gainsaying the fact that the Pact was viewed with serious misgivings by men in both the contending parties and their respective allies. Non-official view as represented by the different European Associations in India did not take kindly to what it regarded as virtual surrender of British prestige and authority in India. And it was widely and loudly whispered that the Pact had never been hugged by the true bureaucratic heart also. "The naked seditious fakir" sitting at the same table with the august representative of the British Sovereign in India and signing an agreement with him on matters of state policy and administration, was a sight that touched many on the raw. To Churchills and George Lloyds it meant not only the quintessence of defeatism and weakness, but drinking the cup of shame and humiliation to its bitterest dregs. This might have been an extremist and alarmist view. But still it was just likely that the typical "sun-dried and hard-headed" bureaucrat too did not feel very enthusiastic over an order of events which virtually placed an avowedly anti-government and subversive organisation in India and its leader in a position of co-ordinate authority with the Government itself in the matter of certain vital questions affecting it. To this line of thinking, the principle of Pact-making is wrong: it is tantamount to a virtual recognition by the constituted Authority of another authority parallel to and co-ordinate with itself in the body politic. And the principle is doubly wrong where the latter has chosen to deliberately press its claims to such status by subversive and unconstitutional means. To students of politics who have remembered their history—particularly that part of it which narrates the evolution of constitutions enlarging the rights and liberties of peoples—the above view may appear to be both inverted and short-sighted. But men charged with the conduct of the actual administration have, all over the world, been found to make a fetish of the actual form in which the administrative authority may have vested itself, even when revolution has already been stalking the land, and nothing seems too sacred and sacrosanct to be thrown "into the melting pot". The lesson of history has been often repeated, but mankind has been slow to learn it.

## IV. "SO-CALLED PACT"

One can however understand and appreciate the dislike of the typical bureaucrat for the Pact. Sir S. Hoare was of course too exalted and responsible a personage to be called a bureaucrat. But did we not find him even at his post of high responsibility referring to the "so-called" Pact? What did he exactly mean by the word "so-called"? One did not ask him and get an answer. Possibly there are many who can understand the R. T. C. policy—which is a consultative and deliberative body only not empowered to draw up and "sign, seal and deliver" the final document; but it is not easy—especially for the administrators—to understand and appreciate the policy of Pact which confers on a party other than government coordinate authority to determine matters of state policy and administration.

## V. A MATTER OF HONOUR

It should be noted however that the Viceroy himself and some of the Heads of Provincial Governments had openly declared their willing determination to stand by the Pact, and there is no doubt instructions were duly issued to all the officers concerned to observe the terms of the Pact. Sir Malcolm Hailey for instance in his message to the U. P. Legislative Council in July said: "Observance of the Delhi Agreement is a matter of honour with Government. If there be breach of it, it will not be on our side."

## VI. "AS FIRST CONSTITUTIONAL GOVERNOR-GENERAL"

As regards the principal and underlying policy of the Pact, those in positions of highest authority were not slow to impress upon the rank and file that the old order was changing giving place to new, and that the new order should be inspired by the spirit of mutual understanding and co-operation as the old had been by dictation and absolute control. Lord Irwin in his Harrogate speech said:—India and Britain are no longer to meet as parties in a grim struggle, in which success of the one implies failure of the other, but as confederates in a great and noble undertaking. His Excellency Lord Willingdon in his Chelmsford Club speech had expressed an wish that he might go down to history as the first constitutional Governor-General of India—an wish and ambition he still cherished when the year was drawing to a close and the curtain was about to be rung down on collapse of the Delhi Agreement and burial of the truce. He was addressing the Bengal Chamber of Commerce in Calcutta. That was on the 7th of December. Then dark and menacing clouds overcast the whole political firmament, and one was already hearing the first rumblings of the coming thunder storm. But in July when conditions did not look quite so dismal as this, His Excellency addressing the Sikh Deputation at Simla had pointed at the blue sky and fair heaven lying behind dark clouds of conflicting claims spread over the constitutional firmament of the moment, and observed that if the fog was to be lifted, spirit of mutual understanding and co-operation must prevail where distrust and suspicion existed.



### VII. "AN EARNEST OF THE COMING ORDER"

All this was of course meant as a vindication of the principle and policy of the Agreement which, as we have seen, was not such as to appeal to the true bureaucratic conscience and inspire the true bureaucratic heart. Government by dictation and coercion was to give place to government by consultation and agreement—this is what the coming order means. And we have had just an earnest of the new order of things in the fact that Lord Irwin as the representative of the British and Indian Governments entered into an agreement with Mahatma Gandhi as the representative of the "only democratic and national" political organisation in India with a view to adjusting certain differences between them over certain important questions of Indian policy and administration. The fact that they met as parties to an Agreement was an earnest of the greater fact that they would also meet "as confederates in a great and noble undertaking." The hand that signs the agreement to suspend civil disobedience and observe certain other terms should also be the hand that would collaborate to draw up the scheme for self-governing India and ratify the Statute of Westminster when it should come.

### VIII. THE RED TAPE AND CONSTITUTIONAL TETHER

It was this implication and promise of the Agreement which made it so important a document both for those who would fain maintain the *status quo* and those who would like to see it changed root and branch. Conservatives feared it and bureaucrats chafed under it just because they thought that established and constituted authority was yielding and surrendering to forces that challenged it and would, if unchecked, subvert it—that it meant the beginning of the end of the British governance of India. Nationalists accepted it and even regarded it as a triumph for their cause, not because it conferred upon them any new rights and privileges or brought India practically any nearer to freedom, but because they thought that by making the Agreement, the Government had definitely accepted the principle of Indian collaboration in the matter of actual Indian administration. The 19th January Declaration of the Premier had referred to a transition period leading to the realisation by India of the goal of full responsibility. Now, transition period has no meaning unless and until a real start has been made. And it cannot be supposed that a real start has been made unless and until those in authority seek the co-operation of those who more than any others represent the will and choice of the people, in determining their policy and in their working of the administration, and thus share responsibility with them. So long as the Executive is irresponsible and the legislatures not truly representative and powerless, Authority should be prepared to sacrifice sufficient red tape and stretch its constitutional tether to the required length in having to go in search for its true collaborators. It may have to turn not merely to its Executive Councils and Legislatures, but also, when occasion for it should arise, to its prison cells where its political proteges are lodged. For under the existing conditions, the truly representative Indian—the elect of the people—he who can act as their agent and deliver the goods for them—may more likely be in the latter places than in the former. Respon-

sibility cannot be shared with one's own nominees or with those who, though elected, have been made paralytic for all purposes except for that of wagging their tongues.

### IX. FORCES THAT MATTER MOST

And there is no reason why Authority should feel diminished when occasion does arise for it to unlock the cells of its political prisons for the purpose of finding its true collaborators and sharers of its responsibility and control. Mr. Churchill's fling at the peace parleys in the Yervada Jail had been as badly conceived as aimed. There was simply no question of Government standing and waiting in the corridor of the Jail with a begging bowl in hand—going upon its knees and suing for peace. No body in his senses would think that. If it is within the competence of the Government to promulgate Ordinances, it is surely within the competence of the Government to withdraw them also: if it can shut up without trial men under Ordinances and Regulations, it can also release them when it should think it convenient or expedient to do so. Its red tape is long enough and its constitutional tether is elastic enough for such purposes. And if it chooses its colleagues and partners from amongst its late opponents and adversaries, it does so because in the sifting and eliminating process of the struggle it has found the forces that matter most in the political or other activity of the nation, with which it is wise and expedient, therefore, to form new attachments and alliances. For no Government, however strong, can permanently maintain itself at the requisite level of efficiency and usefulness by keeping itself detached from, or opposed to, those forces. History has again and again recorded the discomfiture of those that attempted to do the impossible. In fact, it is the vital function of every living and thriving government to sift out such elements and such forces in the national "medium" as can be assimilated into it with advantage. Sometimes by such assimilation its hard shell itself is broken to pieces. Still it has got to be done. It must expand and grow by taking in those elements and forces. Otherwise, its hard shell shall break and it shall not survive the smash-up.

### X. BARGAINING WITH LAWLESSNESS

It is true that the Gandhi-Irwin talks had commenced when the C. D. Movement and the governmental reaction thereto had not yet ceased. That is to say, negotiations opened while hostilities still proceeded. In the bureaucratic appreciation of things, this raised an internal seditious and subversive movement to the dignity and importance of an hostility between two sovereign states. It was this that made the whole affair of the Delhi talks especially repugnant to some official and non-official quarters. It was like listening to and dealing with an opponent who had not yet laid down his arms. It was to make the cessation of a subversive and unlawful activity dependent upon the Government having first agreed to offer certain terms and fulfil certain conditions. Bluntly put, it was tantamount to bargaining with lawlessness and unconstitutionality. It was known that the Delhi negotiations had almost been wrecked upon the question of an enquiry into alleged police excesses and some other allied matters. And it was no wonder Gov-

ernment could not be expected to lightly let down its own officers nor light-heartedly hang its own authority.

## XI. EMERGENCY METHODS OF REFORM

And yet apart from the question of the proposed enquiry, the average bureaucratic appreciation of the position was again superficial and wrong. They talk of extraordinary measures in relation to emergencies or extraordinary circumstances. Now, extraordinary devices may be necessary not merely for the purpose of government maintaining its stability, political and financial, but also for the purpose of government enlarging and broadening its foundations in the will and consent of the people. That is to say, occasion may arise for emergency measures and methods of readjustment and reform also. When forces in the land not only threaten to be but actually prove subversive, the emergency is one that calls for as much power to adapt and adjust to new and revolutionary changes as power to maintain and stabilize all those elements that have to be maintained and stabilized. If power and authority have to be assumed to deport and intern a man sometimes without trial, courage and statesmanship has also to be mastered to treat with opposing elements sometimes by conciliatory and responsive instead of penal and preventive action.

## XII. POLITICAL HISTORY OF THE LATTER HALF OF 1931 : WHAT WAS IT ?

The Pact had however already been a settled fact, and those who held the reins of government, from the Secretary of State downwards, in their public utterances left no trace of doubt that they meant to keep their part of the engagement. Still we thought it proper to allude to some of the deeper reasons why the Pact was not quite liked by the true bureaucratic heart or by the instinct of the average dominant class. It is important to bear this in mind, because the political history of the latter half of 1931 is virtually the history of the development of the influences, open as well as secret, that brought about the break up of the Pact with the Congress first in London and then in India. After the Second Settlement with Lord Willingdon in August, Mahatma Gandhi sailed by S. S. Rajputana to take part in the deliberations of the second session of the R. T. C., having accepted the principle of federation, and safeguards "in the interests of India." The 19th January Declaration of the Premier had already, be it observed, committed the British Government to these two principles. The R. T. C. business, after the participation in it by the Congress, proved to be even a more complicated, tangled and hopeless affair than it had been when it had met without Congress representation and under the brooding shadow of the prodigious national struggle going on in India. We shall briefly record the main facts of the second sitting later, but we may state even now that though Mahatmaji did not formally withdraw from the Conference and though he gave his consent to some of the minor matters of detail, no body was left in any illusion that the Congress and the Government had again come to the "parting of ways" so far as the fundamentals of the future Indian constitution were concerned.

This of course did not as yet mean the break up of the Delhi and Simla Settlements. Those Settlements had not committed the Congress or Government to the acceptance by either of any proposals regarding the constitution made by either. They had simply suspended hostilities, and made certain adjustments to give relief and redress. The Congress had not, for instance, accepted the position that Army and Foreign Relations would continue to be administered as Crown Subjects under the control of the Governor-General "during the transition period", and the Government had not accepted the position that India would be free to sever her connection with the British Commonwealth of Nations when she wanted to do so, or that the debts and financial obligations of the Government of India should be a subject for scrutiny and possible repudiation. Yet when the second session of the Conference ended, it was clear that the Congress and Government would again, sooner or later,—and as all the open and subterranean dispositions of the forces indicated, sooner rather than later—come to grips with each other. Mahatmaji himself was of course not for immediately resuming hostilities; would stretch his co-operation to the furthest limit and give the Conference "every chance". And though he parted company with the rest of the Conference on the vital issues, he would still help the various Committees to be sent out to India, provided he could usefully do so, and provided also the state of things in India, already very tense, did not become such as to force his hands and smother co-operation. At the same time he left us in manner of doubt that India could not afford to rest on her oars, and the failure of the conference would again plunge India and Britain into a struggle which in point of magnitude and intensity would far surpass the struggle that the Delhi Agreement had cried a halt to. "If necessary India would sacrifice a million lives"—this is what Mahatmaji said.

### XIII. UNSETTLE THE SETTLED FACT

Influences had already been at work to unsettle the settled fact when Mahatmaji sailed for England; and the long-drawn episode of the Conference did not suppress but rather disclosed the combinations of forces heading for a crisis both in India and England. The difference between the Congress point of view and that of the communalist minorities had never been so much stressed and accentuated as they were during the second session of the Conference. British opinion as reflected in the Conference had, again, never asserted itself in so pronounced a manner against the fundamental demands of the Congress as it did during the second session. Perhaps the third law of motion which makes action and reaction equal, or the law of electric condensation which makes the accumulation of the positive charge on one surface vary *pari passu* with that on the other, was operative. In the face of the great challenge of "the only true representative" of a great national organisation in India, the "nominees" of Government (as they were called) felt impelled to combine and make their counter challenge look almost as great and formidable.

### XIV. WAR MIND THAT STILL EXISTED

While we say that the Agreement had not been liked at heart by

a considerable section of the dominant class, official and non-official, we should not omit to say that it had not been liked either by a considerable section of the Indian nationalists. Not to say of the youthful votaries of the cult of violence and of communism, many of those who subscribed to the creed of the Congress and followed its methods, had not been happy with what the Delhi conversations and labours had produced. The terms which had been offered by the leaders for peace during the abortive Sapru-Jayakar negotiations had not yet seen any sign of their sure and substantial fulfilment. To some it appeared that what concessions it had made had been made in a haggling spirit and not in a generous and gracious manner. This might have been the view of a war mind that still existed and not the view of one that had ceased to exist. Whatever might have been the legal construction and implication of the several clauses of the Document, there is no doubt that its great authors had meant well and had been inspired by a spirit of mutual accommodation and manifest goodwill. But certain incidents following upon the signing of the agreement and certain circumstances connected with the practical interpretation and observance thereof, had gone, as we saw in a preceding Introduction, an unfortunately great length to undo the good effect of the agreement. A general amnesty to all political convicts and undertrial prisoners should, in the judgment of many, have been an act of grace on the part of the Government that would have appealed to the human imagination of India and her generous heart, and thus helped to produce and maintain the requisite calm atmosphere for the great constitutional labours to have proceeded steadily apace. No body of course expected that by releasing the prisoners of violence and the so-called communists Government would have forthwith converted them to a political faith a shade milder than what they professed. Still it should not have been forgotten that many of these prisoners had been smarting under what they and many of their countrymen thought a sense of injury. Many youngmen had been arrested on suspicion and shut up without trial; whilst some others had the misfortune of having their trial protracted through "an age". These things, necessary though they might have been for reasons of state or otherwise, had had very widespread and prejudicial repercussions on the temper of the people. Now, if Government had seen its way to releasing these prisoners, that act by itself would not of course have converted and "redeemed" the hardened "sinners"; but it is very nearly certain that it would have evoked a generous response even from them, and induced them as a party to stay their hands during the period of the negotiations here and in England. And that would have produced the necessary calm atmosphere as nothing else would have produced. For, what complicated and marred the situation more than any other single factor was the "vicious circle" or "ring dance" of violent crimes and repressive measures aimed at them during this so-called half year of truce. Rightly or wrongly, the party of violence felt that the truce applied to Congressmen and not to them, and that therefore a state of war still existed between them and the Government. Many wished that they too had been made at least a passive or sleeping partner in the settlement. Rightly or wrongly also, these youngmen of the extreme party had been angry

with the Congress for their having, as they thought, thrown them practically overboard when making truce with the Government—for their having failed to make their release also a condition precedent to any pact or settlement being made.

### XV. DISRUPTIVE FORCES GATHERING MOMENTUM

During the period of truce therefore disruptive forces not only continued to work but gather momentum. Two main streams of such influences—one in Bengal and the other in the United Provinces—and one other minor current in Bardoli conspired to undermine the entire edifice of the provisional settlement and bring it down in a crash. Bengal had its Chittagong and Hijli and what seemed to be retaliatory political assassinations and new Ordinances and exceptional methods to deal with the situation created by them. U. P. had its increasingly acute agrarian situation and the perpetual menace of the no-rent and no-tax campaign and the Instigation Ordinance ultimately promulgated to cope with it.

Almost as soon as the ink was dry on the paper which bore the signatures of the parties making the Delhi Agreement, the Congress and the Government began to find fault with each other and quarrel as regards alleged lapses and breaches on the part of either and non-observance of the letter and spirit of the mutual engagement. The Congress began by complaining that the release of non-violent prisoners had not been proceeding apace as it should have proceeded according to the letter and spirit of the Agreement, and that the Government had not been moving with grace, earnestness and speed in this matter. And it proceeded to allege that magistrates here and there had been interfering with peaceful picketing and other lawful activities of the Congress. As some matters related to questions of fact and others to questions of interpretation, enquiries had to be instituted both by the Congress and the Government, and correspondence unceasingly passed between them as to the proper construction to be placed on the relevant clauses of the Settlement.

### XVI. PRIVILEGED STATUS OF CONGRESS

The Government rightly claimed that the Agreement had not made any act lawful which was unlawful under the ordinary law of the land, and further, that the Agreement had not conferred any special rights and privileged status on the Congress as distinguished from other Indian citizens. The Congress, on the other hand, tacitly assumed, if it never openly declared, that by accepting the principle and policy of the Settlement, Government had admitted, in principle at least, the right of the Congress to be consulted on all vital questions affecting the Indian people. And one would be disposed to think that the Congress—assuming it was the most popular and democratic organisation in India—was also right in taking this view. The two views—that taken by the Government and that taken by the Congress—seemed to, and as a matter of fact did, conflict with each other; but still one would be inclined to think that with wise and liberal statesmanship on one side and patience and charity on the other, they could possibly have proved more accommodating to each other. The

Congress should have moderated its attitude of exultation that the battle had been won and that it was time to gather its spoils; and the Government should have risen superior to its sense of diminished prestige and wounded pride that it had lost the day by having had to treat with the leader of a subversive movement, unconditionally releasing him and his colleagues from custody, and without first having taken from him an undertaking that he and his "seditious gang" would behave in future. On the one hand, it should not have been forgotten that India was passing through a deep and large-scale upheaval which could not be aptly described by the ordinary penal names and dealt with by ordinary penal sections; that the case was one not fit for treatment by established jurisprudence and legal procedure, but by broad, enlarged ideas and methods of making and readjusting democratic constitutions. The rules which reign in a normal house are no longer the rules when its old foundations have to be dug up and new foundations laid. A national upheaval has a destructive and a constructive phase. Some of its destructive work is also essential. But it should not destroy too much. Nor should it destroy too little. While it should destroy and remove all that is crumbling and all that encumbers, it should not destroy the ground plan and the materials to build with anew. Government should check its work where it should be checked, and help it where it should be helped. By doing this properly and wisely, government establishes its title to existence and allegiance. Now, if government should feel called upon to arm itself with emergency powers and have recourse to emergency methods in dealing with what must be regarded as unnecessary, unwholesome and menacing aspects of the destructive work of a popular movement, it should also be prepared to go beyond the ambit of its settled tradition and ordinary procedure in having to deal with those aspects that are essential, and ultimately, fruitful and constructive. These latter should be dealt with in a sympathetic and helpful, and also, if need be, in an out-of-the-common way. In other words, if the principle of ordinance-making be right when occasion arises to arrest and suppress large-scale popular onslaughts upon constituted authority, the principle should be held to be more unquestionably right when occasion arises to redress large-scale popular wrongs or meet large-scale popular demands for expanding and sharing constituted authority. The red tape and the constitutional tether, as we said, should be long enough and elastic enough for that purpose. It should be long enough to go the whole length of the necessary settlement, and elastic enough to bear and stand the strain of new adjustments and new constructions.

#### XVII. THE TRUCE : WHAT WAS IT FOR ?

The Government was of course right in its view that the Agreement had not in any way placed the Congress above the ordinary law and the obligations and limitations of the ordinary citizen. But recognising the strength and greatness (Lord Irwin himself had called it "the great organisation") of the Congress, the Government had already held parley with it, and modified its policy, and to some extent, its administration also according to a settlement arrived at with it. As we saw, it was both perfectly wise and constitutional to do so. Now, the point

was this : If Government had acted wisely and constitutionally to consult and, to some extent, act on the advice of the Congress even before the formal declaration of the truce, would it not have acted at least as wisely and constitutionally if it had continued to lend the same ear of consultation and extended the same hand of co-operation after the declaration of the truce ? And what was the truce for ? Was it not for seeking and ensuring the co-operation of the Congress—the factor in Indian politics that mattered much more than any other single factor or even indeed than the sum of all other factors ?

#### XVIII. TO WHAT TRANSFER AUTHORITY ?

All official promises and pronouncements had referred to the goal of fully responsible government. Surely a determined start had to be some day and a determined step forward had to be taken some day if the goal were not to remain a mere utopian dream. Autocracy must sooner or later cease to exist and responsibility must sooner or later be transferred to the accredited agents of the people. The Congress had proved to be a more accredited, authoritative and powerful agent of the people than any other political body in India—more accredited and powerful than even the various legislative bodies. The Government had virtually recognised this by coming to terms with it after it had put forth a most determined fight. It had found that if responsibility were to be transferred to and shared with any popular and democratic institution in India, it was the Congress organisation *par excellence*. It was this that was in a position “to deliver the goods.” The Prime Minister might say from his place in the Conference and House of Commons that the R. T. C. bore quite a representative character, and so sponsor the counter claim of those who during the last session opposed the claim of Mahatma Gandhi that the Congress representative was the only true delegate to the R. T. C., and that, therefore, the others were there simply as the nominees of the Government. The late Mou'ana Mahammad Ali, Dr. Moonji and some others had however a correcter appreciation of their position during the first session of the R. T. C. However that might be, it is undeniable that the Congress got its colours recognised by Government inviting Mahatma Gandhi to talk the civil disobedience affair over with it ; and it had its credentials endorsed by Government settling with its agent the terms of an Agreement that should be binding on both. Hence the question arose : Should not Government have continued to concede to the Congress—as a genuine agent of the people or at any rate of nationalist India—the same position of its non-official adviser and collaborator as it had done during the momentous fortnight at New Delhi when the terms of the Settlement were being hatched under the joint wings of Lord Irwin and Gandhiji ? That would only have anticipated and prepared matters for what was coming. For, it had long been clear that it was the Congress or some organisation like the Congress that would some day step into the shoes of Government and be charged with the responsible task of running the new democratic constitution. Authority and responsibility reposed in a democratic body, such as the Congress partially was, could expect to be stable and permanent. All makeshift arrangements would succeed in producing conditions only for a very



*unstable equilibrium. A R.T.C. packed with communalists did not ease the situation in India. So a government packed with reforms-profiters and place-hunters would not make for lasting peace, order and good government.*

### XIX. WOULD BE RULERS OF INDIA

Ministers have sometimes been found among those who have had a close shave at the gallows. In India also the ministers of the future swaraj government may have to be drawn from the ranks of a very tough and inconvenient stock. Only such "fellows" may be found to wield power with advantage and discharge responsibility with satisfaction to those concerned. And if that be clear, why should it not be clear as well to the present rulers of India, that some practical training, some actual probation, some real initiation must forthwith be arranged for, for the prospective, would-be rulers of India? And should it not be clear also that this training, this probation and initiation cannot be provided for those who are and remain, mere dolls and puppets and by methods that hold and control the perpetual leading strings? Responsibility must to-day be shared with, if not transferred to, those who would be called upon to rule to-morrow. Called by whom? Not surely by Government. They should be the elect of the people. And the Congress had far greater claims to being thus called upon to undergo this apprenticeship and probation to future rulership of India than any other political body. If therefore the Congress claimed any special status—not unconstitutional but only extra-constitutional for the present—by virtue of this rightful vocation; if it regarded itself as the spokesman of the people and intermediary between them and Government, Government should have, in spirit and, as far as desirable in letter also, admitted that claim, and not have continued to regard as an ex-enemy and potential foe its rightful probationer and legatee in responsible government. It was of course not just to say that the Government as a body continued to regard the Congress as an ex-enemy and a potential foe even after the Agreement had been signed. It was willing to co-operate and seek co-operation. The many consultative committees that anxiously deliberated to explore all possible avenues of settlement of the differences that cropped up in U. P. and elsewhere, and the lengthy and the bulky files of correspondence that passed between the Congress Executive and Government re: methods and means by which tangled and twisted affairs might possibly be eased and straightened, were all evidence that Government was quite sincere in its determination to discharge its obligations under the Settlement. And it was plain also that Government was equally determined to maintain its rights under it.

### XX. HARMONY WITH DISCORDANT NOTES

But whilst this was admitted generally, it was not so generally believed that the Government attitude was a perfect symphony without any discordant notes that both jarred and marred. The war mentality with its usual accompaniment of jealousy, distrust and apprehension still lingered, so it was believed, in some Government quarters. Perhaps the bureaucratic cast of mind stiffened too under the anti-

Congress influences of the non-official exploiters and die-hards. As we saw, the principle and policy of the Pact was wrong and unpalatable to such habit of mind. It was openly hinted that sinister influences to wreck the Settlement were in operation even on the heights of Simla and in Whitehall. The Pact was looked upon as a shame born in a moment of weakness out of an unholy alliance with the enemy. Some therefore in the responsible quarters were possibly eager to atone for the late weakness of the Government, and were in secret confabulation for concerting measures for having the shame undone as speedily as possible. But we need not linger over such reports of the omniscient lobby and special correspondents. It was undeniable that Government had not failed and had not been tardy in issuing instructions to its officers to carry out its obligations under the Agreement. And it was probably not correct to maintain that the officers generally had omitted or neglected to carry them out according at least to the letter of the Settlement. The spirit was perhaps not caught and entered into in some cases. And as the letter, divorced from the spirit, lends itself so readily to misconstruction and confusion, the observance of the letter by some officials resulted in a growing crop of acute differences, and soon the would-be co-operators were seen to fall out from each other. The officers maintained that they were doing all that was humanly possible to implement the Settlement, and that differences were simply due to Congress perversity or obstinacy. Under the cloak of the Pact, the Congress was bent upon consolidating their position as a parallel government and authority in the land. Under the cover of the truce the subversive activity of the Congress and active preparations for the coming "war" continued. Flouting of constituted authority and instigation of the people for offering active resistance to the normal and lawful process of the administration were tending to become the order of the day. The Congress was in for replacing the so-called dictation and coercion by Government by dictation and coercion by itself. The position was fast becoming such as no self-respecting government could tolerate for a day.

#### XXI. CLOUDS NO BIGGER THAN THE PALM OF HAND

This, in substance, was the growing feeling in some government quarters. And as the sequel showed, this ultimately became the attitude of the Government itself. The subdued, isolated murmurs mingled and gathered volume and acquired pitch and ultimately became the determined tone and voice of the Government. The final despatches of the Government reviewing the break-down of the Settlement and justifying the plan of its new offensive against the Congress, said about the deeds and motives of the Congress what we have said above. Even the last letters of the Viceroy to Mahatma Gandhi, who had just landed in Bombay, refusing to discuss with him the matter of the Ordinances that had been promulgated in Bengal and U.P. and N. W. F. while he had been absent in England, and saying to him bluntly that the Government could not be expected to make their policy or their action dependent upon his judgment (as if Mahatmaji had ever claimed or contended that it should have in any case to be so), showed that the clouds, no bigger than the palm of one's hand, which had been at first scattered here and

there over the Indian firmament, at last gathered thick and menacing over the heights of Simla, and became the starting centre of a great thunder storm breaking upon, and sweeping over, the vast, teeming planes of the Indian continent.

On the other hand, it is probable that some of the followers of Gandhiji, though of course not the great leader himself, did mean to make use of the truce and the great accession of prestige and influence in the eyes of all the world which the truce had brought to the Congress, as a position of vantage not only for consolidating their possessions but also for starting a fresh and decisive offensive against the Government. They continued to speak of truce as distinguished from peace, which latter, they said, would never come till India had her full demand conceded; they kept up a perpetual call to arms, and never tired of of dangling the threat of renewed civil disobedience. It seemed as though some would have continued to do so even if, according to their stock-taking, Government had observed, strictly and without fail, the whole letter of the Agreement. For, they really cared not for the letter. They cared not for it for their part or for the part of the Government. What really mattered was the spirit. Had there been a real change of heart and was the Government willing to transfer responsibility? That was the question.

## XXII. THAT WAS THE QUESTION

Now, nobody would say that this was *not* the question. Nobody would expect that the Congress which had put up a determined fight would be content with quibbling and wrangling over the letter of a scrap of paper which made truce but which did not in any way enlarge the liberties of the people, or confer upon them any right they had not possessed before. The Congress meant business as well as the Government. Still one would think that it would have been better if one or two things had been more steadily borne in mind. First, the officials as a body were bureaucrats wedded to certain stereotyped ideas and rigid traditions. They could not be expected to move out of their wonted groove all on a sudden. They would take time to adapt themselves to the tremendous change coming over the form and spirit of the Indian Government. Perhaps some would absolutely fail in the attempt, while others might succeed. But whether they succeeded or failed, they could not as a body be expected to be ready to run the race with the most fleet-footed of the Indian Nationalist team on a day's notice. The fast-runners should therefore have been both patient and forbearing if they found their comrades of the Indian officialdom lagging behind. Let them not slacken their own speed if they cannot or ought not to do so. But let them not turn back and fall upon the laggards behind. Possibly, these are toiling their best to come up. Many who were outside the fight felt that it would have been more becoming if Congressmen had commanded a little more charity to concede that many Englishmen, official and non-official, had also started on the same journey with them, and if some had been positive drags on the way, there were many who were honestly toiling to come up and be quite in line with them.

## XXIII. ELEMENTARY LAW OF HUMAN PASSIONS

Secondly, it would have been well, it was also felt, if the elementary law governing human feelings and passions had been more steadily kept in view by both the parties. A settlement may settle some external relations, but it does not straightway settle the feelings and passions of the human heart. It does not wield the magician's wand to forthwith change all base metal into gold. It is not expected that just after the truce, the ex-enemies will throw themselves into each other's arms and hug each other in a passion of rapturous love. A truce brings to a sudden stop a good deal of stir and commotion on either side, and this is nearly always converted into latent, pent-up heat. A great deal of mutual distrust and apprehension remains over even when the late belligerents have met in a peace conference and settled their accounts. This is but human nature taken singly or in the mass. Comradeship in heart and alliance in soul is, and cannot be, formed on paper. It is gradually formed by cooperation in the same kind of work, and in the process of sharing the same cares, burdens and responsibilities. If therefore Congressmen found that some officials and non-officials were still furious at the turn of events, and in their anger and supposed humiliation obstructed the way to peace, they should have remembered that it was just the weak side of human nature asserting itself on the other side, and also that this weak side of human nature was, possibly, assertive on their side also. Not all of them, surely, were ready to rise non-violent in thought, word and deed and converts to the gospel of Buddha the morning following the fateful night in which the Settlement had been settled in New Delhi. Bearing in mind this common human nature and the possibility of its open or veiled working after the agreement had been made on paper, both parties should have exercised a little more of the spirit of charity and forbearance. They should not have wasted their breath in a wrestle over trivialities such as the number of non-violent prisoners still unreleased, the order of some local magistrates to ban peaceful picketing etc., the rate of rent remissions in certain districts. These were more or less distractions. Even Chittagong and Hijli might by some be regarded as distractions, though of a most unfortunate kind. Those who had kept out of the fray—the Liberals for instance—would have the Congress concentrate on the main work which was the necessary spade work in India and the constructive work of the Conference which was to meet in London in November.

## XXIV. THE SUN OF INDIAN SWARAJ

We should have to put up with the fog more or less so long as the sun of Indian Swaraj did not shine and lift the fog. That sun should be made to rise and shine. It is no use fighting the fog. True, it was not expected that the sun of the Congress aspirations would rise and shed its first splendour on the St. James' Palace in London. It would rise and shine over India herself. Still the Liberals thought, and many others thought with them, that the R. T. C. should have been allowed to begin its momentous second session under the best possible auspices. That would have put our English friends of the Conference to their real test, and given the Conference itself its full measure of chance to succeed if indeed it could in any case succeed in full. But

it met after the troubles had proved so acute in India (in Bardoli and elsewhere) that Gandhiji had been forced to threaten that he would have to decline to have anything to do with the Conference. This crisis was tided over by the Second Settlement with the Government in August. But he had still apparently to sail in troubled waters. Government too continued to feel nervous over the increasing insecurity of their anchorage and moorings. There had been no communal settlement though Gandhiji, Bhopal and Ansari and others had tried their level best to arrive at a satisfactory solution. Hindus and Mussalmans, Nationalist Mussalmans and Communalists, Hindu Sabhaites and Congressmen, Sikhs and the Punjab Mussalmans had all found themselves in a quandary over the question of the electorate and representation in the Legislative bodies. As Mahatmaji said on a later occasion, all had begun gloating and fighting over the carcass and tearing it to pieces. Chittagong, Hijli, political murders, threatened no-tax campaign and government reactions to them punctuated the lofty rhetorical periods of the Indian and British delegation assembled in London. Now, it was felt by many that it would have been better if the R. T. C. experiment had been allowed to begin and proceed under more congenial conditions. Many wished that differences had not been stressed so much and agreements obscured so much, in India and in England, when the supreme task of the day was to find an agreed solution of the Indian problem.

#### XXV. WHAT LIBERALISM WOULD LIKE CONGRESS TO DO

This was the orthodox liberal, non-combatant position. Prominent liberal leaders had tried to do their bit by acting, whenever opportunities presented themselves, as the go-between to bring about truce and a calm atmosphere for the R.T.C. to proceed to a successful issue. Of course there was, as there still is, a good deal of difference between the Congress outlook upon things and that of the liberal or moderate politicians. The latter were responsivists and co-operators in principle, if not always in practice. They were content to be half-hoggers or even quarter-hoggers where they could not be whole-hoggers. To the aggressive and militant younger school, their recipe was indeed often stale, tame and jejune; but still these older men preferred generally to drink their bottle of mild beer in seclusion and peace, and would not be tempted to strong drink for the excitement and riot of it. Some could not stand strong drink, while others had outgrown it. Now, many of these men were glad when truce was made with the Government. They thought and others thought with them that the London Conference would gain weight and achieve success with the now assured Congress adhesion to it. They were therefore anxious that this assurance and this prospect might not be jeopardised in any way. While some militant Congressmen feared that a premature cessation of fight and excitement would numb and cripple the heart and motor centres of the great Congress organisation, the liberals and moderate politicians preferred to look the other way and feared that a continuation of fight and excitement after the truce, would tend only to complicate the already tense and tangled situation and make any prospect of honourable settlement and peace recede farther and farther. They would have

liked therefore Gandhiji and the Congress to realize that the redressment of any particular Indian wrong (as for example the internment grievance in Bengal or the agrarian trouble in the U.P.) would in any case follow upon and should not therefore be made a condition precedent to Congress crying halt and co-operating with the liberals and also Englishmen in the great work of hammering out a free and stable constitution for India. This one great task could not be allowed to be sidetracked in consideration of the urgency and insistence of any narrower problem of the hour. The Congress and Mahatma Gandhi should not have swerved from their path—which after the truce was the exploring of all possible avenues for the final settlement—distracted by the cry of the passing problem. They should proceed straight to their job. Congressmen should not have, for instance, daily dangled their threat of civil disobedience and Mahatmaji should not have sent his fortnightly "ultimatums" to the Viceroy, because Indian officialdom could not forthwith be veered round to view things as Congressmen viewed them. It was to be remembered that Indian officialdom like officialdom all over the world could not be expected to outgrow their habit of mind and their traditions in a day, and further that they were, and to some extent were bound to be, tied to the obligations and limitations of a particular type of government, however autocratic that government might in fact be. His Majesty's government must be carried on : the supremacy of law must be maintained—they thought and said.

#### XXVI. AGREEMENT : A MATTER OF HONOUR AND A TEST

There was some truth in this liberal position—one would think. We all knew the rejoinder of Congressmen to this. Fight is life, and to cease fighting, especially when the object has not been attained, is to stagnate and vegetate. Besides, an oligarchy, particularly an alien oligarchy, can be made to yield to popular demands only under a perpetual and persistent strain and stress of popular resistance to its encroaching authority. Quiescence in the ruled is in the eye of the ruler imbecility. Perhaps many younger Congressmen accepted this war philosophy as their new gospel. Their philosophy might have been right or wrong, but it is undeniable that even in internal disputes, conflicting claims are often settled and peace is signed under the shadow of big guns and bomb-laden aeroplanes. The hand that carries the white flag has a pistol somewhere up its sleeve. This has been the way of actual or potential violence. This and the cult of Ahimsa, of which Mahatma is the greatest living apostle, are of course poles asunder. But many Congressmen, particularly the younger section, would fain jettison a cargo-load of abstract principles if that would only save their vessel of Hope from a watery grave, and bring it safely and speedily to the promised haven of Freedom. To Gandhiji himself however the Agreement was, firstly, a matter of honour, and secondly, a test. He would keep his word with the Government, and he would keep his word with his flock. He must see to it that there was no breach of it on their side ; and he could not allow any breach of it on the other side. That was also a matter of honour with him. He could not leave for London in the teeth of a serious breach on either side. Besides, observance of the Agreement was a test according to him of the sincerity of British

purposes and intentions in India. It was, therefore, no use going, if the test failed in vital points. It was also a test for the people—of *their sense of honour and loyalty and discipline.*

## XXVII. PEACE SOON LIKELY TO PASS

We have now at some length dealt with the view-points of the various parties to the handling or mishandling of the Indian political problem. The Government were of one mind no doubt, but possibly not of one temperament; the Congress too was of one mind, but not of one temperament. There were overzealous officers in the one camp and hot-gospellers in the other. Mahatmaji when he at last sailed from Bombay on the 29th. August stressed the need of a peaceful atmosphere being maintained, of carrying through a constructive programme with special reference to the fourfold evil of drink, drugs, foreign cloth and untouchability, of the revival of the village industry of spinning, and of promoting unity amongst all classes. It was essentially a message of peace and constructive labour. On the other hand, Pt. Jawharlal, living as he did near the storm centre of the U. P. agrarian troubles over which he had had apparently an inconclusive talk with the Viceroy ("neither satisfactory nor unsatisfactory") in the third week of August (when Mahatmaji also had talked with the Viceroy), asked the Cawnpore Political Conference (October 5) to remember that "independence was the chief aim", and warned the people "not to be misguided by the truce" since "the fight could not stop till one volunteer survived", and wanted all to concentrate on the work of "strengthening the Congress organisation". This was interpreted in the government quarters as a threat of war, if not actually a declaration of war. At any rate, it was a fighting speech stressing the need of the fight that was to come rather than that of the peace that was soon likely to pass.

## XXVIII. HINDU-MOSLEM TANGLE : ITS CAUSES

We have seen that the Hindu-Moslem tangle in India has perpetually baffled all attempts to solve or simplify it. Those who have studied the recent history of special electorates in India have generally agreed in thinking that this evil is a modern creation due to the operation of various factors of which communal emphasis and political franchise on a religious or credal basis has proved to be the most potent and important. Communal troubles are the effects rather than the causes of the communal emphasis as expressed in special electorates, reserved seats, and so forth. Mahatmaji made this absolutely plain after the informal Committee of the Minorities Sub-committee over which he presided in London had failed to arrive at an agreed solution. "Dangle special privileges before the eye of any community, and chances are ninety-nine to one that it will jump at it and swallow the bait. And once it has tasted the sweets (poisoned though these are) of special representations and reservations, the chances are again ninety-nine to one that it will refuse to part with them and oppose any attempt, however wise and well-intentioned, to induce it to do so. It would be more than human if it did not do so."—This is our version of what Mahatmaji said on that occasion.

## XXIX. COMMUNALIST AND NATIONALIST ATTITUDES

An All Parties Moslem Conference had practically endorsed the *Fourteen Points of Mr. Jinnah*. Moslems to have special electorates till they voluntarily eschew them and go in for the common electoral roll; they must have statutory majority in Bengal and in the Punjab; they must have 33 p. c. representation in the central legislature; and they must have weightages in the provinces where they are in a minority. These were the cardinal points. Others related to the North Western Frontier and Sindh which latter must be separated from the Bombay Presidency. The views of the Hindu Mahasabha, the Sikhs and even of the Nationalist Mussalmans were in essential respects conflicting with all this. The Nationalist Mussalmans headed by Dr. Ansari tried in Delhi and in Simla their level best to induce their communalist brethren to be more reasonable and accommodating in their attitude and proposals, but they failed. The communalists insisted on all Mussalmans presenting an united front; would on no account countenance a Moslem India divided against itself; and would ask the nationalist Mussalmans to cease to make pact and common cause with their "enemies". The latter of course retorted that Congressmen and the Hindu Mahasabha and the Sikhs were not "enemies", but their fellow countrymen having a community of interests and traditions with them; and that the real enemy was the die-hard and the reactionary who would for their own purposes set the communities by the ears, and that therefore it would be suicidal to make a pact with them and obstruct the path of united India marching in unison to her goal of liberation. Special preserves and berths for the Mussalmans would only accentuate the differences, and without helping forward the cause of Indian peace and progress, would rather confirm the Mohammedan masses in their general backwardness and political incapacity. Fair field and no favour—common electoral roll and an open arena—are the safest insurance for the creation and development of manhood, political or other. Protection and tariff walls in political enfranchisement and education are opposed to all the sound principles of democracy, and are bound to prove ultimately detrimental to the interests of those for whose benefit they are set up. The communalists would think all this to be utopian dream and unpractical talk. Protection was necessary in the first stages, they said. In the name of democracy they would not allow some communities to lord it over some others.

## XXX. NATIONALIST MUSLEMS' MOVE

However that be, it was soon plain that the Communalist and Nationalist Mussalmans were destined to part company with one another. Patch up peace was now and again attempted to be effected between the two wings, but without success. The nationalists were accommodating, and were even prepared to concede the substance of the communalist demands, but the communalists would not budge from their position. It was suggested in the nationalist papers that many under-ground influences were at work to make them adamant. We do not know. Dr. Ansari made a most vigorous speech on the question when replying to the address of the Calcutta Corporation; but he was, according to all admissions, more conciliatory and accommodating as



the President of the Faridpur Conference. This Conference passed some resolutions that would seem to bridge the breach, but as Maulana Daudi said, the proposals were deceptive and unacceptable. The fact of the matter probably was the Maulana and those of his way of thinking believed that it was they and not the so-called nationalists who possessed the ear and commanded the confidence of the great Mohammedan community. We overlook the suggestion that they were besides backed and braced up by their supposed league with subterranean or celestial powers.

### XXXI. CONGRESS W. C. FORMULA : HOW ACCEPTED

Meanwhile the Congress Working Committee had forged a formula re : the communal question (Bombay, July 13). It recommended adult franchise with the understanding "that no franchise shall be acceptable unless it reflects on the electoral roll the proportion of population of every community". It was contended that the W. C. resolution conceded the substance of Moslem demands. But it maintained that separate electorate was injurious, and Moslems were asked to give it up. Dr. Ansari championed and explained the W. C. formula, at which M. Shaikat Ali felt disappointed, and called it "an eye wash". Dr. Moonji congratulated the W. C. upon this achievement ; while Dr. Kichlew thought that the formula would give a further lease of life to communalism. Religion, in his opinion, should never form the basis of political representation. It should also be noted that the All India Hindu Mahasabha meeting at Akola in the second week of August under the presidency of C. Vijayaraghavachariar did not approve of the C. W. C. formula ; while the All India Moslem Conference meeting about the same time rejected the formula as unacceptable, and held out the threat of non-co-operation in the R. T. C. in case the Moslem demands were not accepted. And all this challenge and counter challenge went merrily on while the communal menace wore a very diabolical aspect in Chittagong (though leaders denied that this was really communal in origin and inspiration) and in Kashmere (though here too Hindu Mahasabhaitees and others alleged that the trouble was largely engineered and wirepulled from British India. Later we witnessed the march of sympathetic Jathas from the Punjab).

### XXXII. NEW ADDITION TO R. T. C.

The Nationalist Moslems too met and conferred at Meerut Bombay and elsewhere explaining their own attitude and position and demanding representation of their point of view in the R. T. C. They were an important and growing party of Moslem thought and feeling in India, they said. In fact, theirs was the party of the future : the rising generations were largely shedding the communal obsession of their elders. During the last movement several thousands of them had courted imprisonment and otherwise passed through the fiery ordeal. Therefore the Conference in London should not go without representatives of this new party also sitting in it. It could not afford to be packed with the representatives of only one school of Moslem thought and attitude. It was believed that Dr. Ansari's name amongst others had been seriously discussed between Simla and Whitehall before the New R. T. C. person-

nel was announced on August 4. It was nowhere to be found in the list of distinguished names which included those of Mahatmaji, Pt. Malaviya and Sreemati Naidu. Sir Ali Imam was the sole representative of the new order in Moslem India, while the communalist Moslems had an accession of strength given to it by the addition of three names—M. Daudi, M. Shaukat Ali (in the place of his late brother), and Sir Iqbal—the poet laureate of Asia who was dreaming of a great North Western Mohammedan Province as an eastern bulwark of a compact, coherent and far-flung Pan-Islamic Federation. The new members were among the most active of the Round Tablers, but poor Sir Ali Imam was, so it seemed, effectively gagged after he had set foot in England.

### XXXIII. CHANGE OF BRITISH GOVERNMENT AND THE CHANGED SITUATION. NO CHANGED POLICY.

Towards the end of August before Mahatmaji sailed for London, the Labour Government had been overtaken by a grave financial and political crisis which in dramatic quickness had changed the character of the Government. A National Government had been formed and the Cabinet had been re-constituted so as to include leaders of all the three parties. Mr. Macdonald who still remained at his post at the helm of affairs as the Head, was virtually cut off from the trunk of his party, and some of his trusted colleagues who found themselves now unable to worship with him in the same tariffist temple were sent into the wilderness. Mr. Bunn was one of those who thus went into the wilderness. He continued in the R. T. C. however where we saw him doing now and then a bit of sincerely sympathetic speaking. On the 3rd. of September His Highness the Maharaja of Bikanir made a statement reaffirming the adhesion of the Princes to the principle of federation (which had been supposed to have been shaken by the attitude of Maharaja Patiala and some of the lesser states). But Bikanir gave his adhesion to the principle of federation subject to the condition that India remained under the Crown, and the sovereignty of the states and their treaty rights were not touched. The conditions attached to the deed of acceptance were such as the Congress delegation could not easily be induced to subscribe to; yet Bikanir's statement allayed for the moment the suspicion that the Princes had been planning a strategic retreat from the position they had taken up during the first session of the R. T. C.

On the 4th. a new Press Bill intended to cope with encouragement of violence was foreshadowed in the Legislative Assembly showing that the Government still meant to govern and would not abdicate in anticipation of the coming of the millennium in India. And one would concede that there had been provocation enough to goad Simla on to such penal measure—though non-official members in the Assembly stoutly opposed it as being both unnecessary and useless. Sir Abdur Rahim said that the Bill really aimed at control of the entire Press. In the latter part of July the Bombay acting Governor had been shot at while a guest at the Fergusson College, and Mr. Garlick, a senior judicial officer of Bengal, had been assassinated in Court; and it was alleged that this was to avenge the hanging of Dinesh Gupta in jail. However, when on 7th. September the Federal Structure Sub-committee met. Bri-

tish delegates, and in particular, Sir Samuel Hoare, assured the Indian delegates that change of government did not mean change of Government's policy in regard to India, and that the conservatives were as anxious as any one for the settlement and ensuring both sound government and good will.

#### XXXIV. THE SECOND SETTLEMENT

After many anxious talks and negotiations with Mr. Emerson, Sir J. Crerar, the Viceroy and the Bombay Governor on the question of alleged non-compliance by both sides with the terms of the Delhi Settlement—negotiations that had not often been satisfactory in result and had sometimes been very near the breaking point—Mahatmaji was at last able to sail for London and make his virgin speech in the Federal Structure Sub-committee. As we have seen, observance of Settlement by both parties was a matter of honour with Mahatmaji. It was also a test. He had naturally therefore made it a condition precedent to his going to the Conference. His liberal friends took, as we have also seen, a different view. Before his departure for London, Mahatmaji had been able to persuade the Government to make a second Settlement, under which, amongst other things, enquiries had to be instituted into the condition of affairs at some of the important centres of the unrest that had, for some time past, been brewing in the land.

#### XXXV. MAHATMAJI IN R. T. C.

On the 15th of September Mahatmaji spoke (for 45 minutes) in the F. S. Committee in which he briefly narrated the history of the Congress movement and dwelt on its claims as the most representative and important political organisation in India entitled to speak and treat on her behalf; he also read and explained the Congress mandate which definitely fixed independence as the goal of India; but this did not preclude a partnership between absolute equals held "by the silken cord of love". This clear and forceful exposition of the Congress position by Mahatmaji was rather well received in England, and it was not thought that it was in the nature of an ultimatum. Before this on the 13th, Mahatmaji had broadcasted to America "appealing to the conscience of the world on behalf of the semi-starved millions of India". On the 17th, he spoke again in the F. S. C. in which he confessed to a feeling of being oppressed by the sense of unreality; he complained of the Committee's interminable proceedings; he urged Government to place their "cards on the table". Method of election (direct and indirect) was also discussed in which connexion he remarked that he was "not frightened by indirect election". His plan was to make the villages of India the electoral units for the legislatures. The villagers were to elect the "electors" for these bodies. This was indirect election. But his idea was to re-establish and reinstate the ancient Indian village communities, and make them act as integral autonomous units in the life of the nation. As he said in his address to the M. P.'s (23rd.)—the villagers' interests must be paramount; control over the army and foreign relations was essential for giving adequate relief to the villagers by saving enough money for improving their lot and carrying through a great and comprehensive scheme of reconstruction.

## XXXVI. CLOUDS GATHERING

Meanwhile clouds had been gathering thick and sombre on the Indian firmament. Every trace of "blue sky and fair heaven" was disappearing. There was a recrudescence of communal trouble and revolt in Kashmere for which military precaution had to be taken. The happenings were serious enough to send their reverberations through the whole length and breadth of India. Upon the murder of a Mahomedan police officer at Chittagong, the underground mines of mob violence caught the spark, and exploded to bring about a colossal disaster especially to the Hindus. A Town Hall meeting was held in Calcutta in which leaders who had made local enquiries openly alleged not only the connivance of some of the Europeans and Indians of Chittagong at what happened but also an instigation by them and some of the Anglo-Indian papers of the diabolical deed in pursuit of a policy of reprisal for political murders. In fact, so grave and so direct were the allegations, that the Government was moved to appoint an official committee to enquire into them. The report submitted by them was however not published though the Bengal Council asked for its publication. An incident of even greater tragic importance was the shooting and killing of two detainees in the Hijli Detention Camp—Santosh K. Mitter and Tarakeswer Sen. Their dead bodies were brought to Calcutta and carried in procession to the burning ghat. And this naturally became the occasion for the manifestation of a deep and great popular excitement. An Enquiry Committee was again granted by the Government. But this time it was a public enquiry and the report was made public which said that the firing had been "indiscriminate and without justification". These happenings were most unfortunate. While they gave a new momentum to the growth of violence in Bengal, they were also an incentive to Government to have its penal armoury filled well and timely with extraordinary and drastic weapons of offence and defence. The arena was spread for the continuation and intensification of the grim and gory "ring dance" of violence. The indirect consequences of the interplay were even more important than the direct. Borsad and Bardoli, Allahabad and Rae Bareilly, Chittagong and Hijli proved, for the Indian public, far more dismal and dynamic than they looked. And so did the fresh murders of British and Indian officials (the Coomilla Magistrate was shot dead by two school girls in their teens; while the Dacca Magistrate and the President of the European Association in Calcutta narrowly escaped being killed) so far as the temper and feelings of the British public were concerned. Terrorism tended to draw out more and more of the tough and stiff side of human nature. And these reactions on the general temper of the two peoples concerned were certainly not such as could make easy an amicable and friendly settlement.

## XXXVII. FINANCIAL CRISIS

On the 14th. Viceroy's address to the Assembly contained a twofold appeal—one related to the need for maintaining a peaceful atmosphere, and the other to that of a concerted effort made by the Government and people for stamping out terrorism. The new Press Bill aiming at

the suppression of instigation to violence had already been placed on the legislative anvil; and the Viceroy's speech not only had that in mind but possibly other and more drastic measures that might have been then only in club talks or even subconscious contemplation. But not only was the Indian sky then overcast with the dark thunder cloud of terrorism and the sombre storm cloud of the agrarian trouble; the very groundwork of the Imperial as well as Indian financial administration was then experiencing a mighty earthquake. We referred to the financial crisis that brought about the disruption of the Labour Government in England and patched together a so-called National Cabinet under a Labour Prime Minister reigning but (as it was supposed) hardly ruling at 10 Downing Street, and an out-an-out Conservative reigning as well ruling at the India Office. The Gold Standard was suspended. The trusted and stable British sterling was rendered an erratic and fluctuating thing. It was feared that it was going to run a race with the continental mark or other wild and volatile things in point of such erratic feats as looping the loop. In Indian Exchange the rupee had been first linked with 16d. English money at gold point or according to gold standard. This was subsequently raised to 18d. gold. This raising of the exchange value benefited British trading and other interests, but it made India—a seller chiefly of raw materials—a great loser. It was computed that India had lost to the tune of many, many crores on account of this one serious exchange handicap alone. Indian publicists and financiers often inveighed at this false Exchange policy and impeached what they called "the financial mal-administration of India". Of course Indian Finance Members and other authorities had now and then attempted the jugglery to convince their critics that the raising of the ratio had not acted prejudicially on the financial condition of India, but had, on the contrary, benefited her. It had been as usual "in the interest of India". But apart from all the niceties and intricacies of the science of Currency and Exchange, the man in the street preferred to abide by the rules of his simple arithmetic and not by the axioms and postulates of any financial hypergeometry. He would calculate thus: I take a bale of cotton to a British market and sell it for say 160d. With this money in my pocket I come back home and go to a Bank to change it into Indian money. I should have been paid exactly Rs. 10 if the ratio had been at 16d. But I must take 180d. or 20d. more to my Bank if I am to receive Rs. 10 in exchange. I lose therefore owing to the higher ratio of exchange. On the other hand, a British trader sells a commodity in the Indian market and is paid Rs. 10 for it. When he changes it into English money, he gets 180d. If the ratio had been at 16d, he would have got 160d. only, that is, 20d. less. He is a gainer therefore to that extent on account of the higher ratio of exchange. This is the calculation of the man in the street uninitiated into the mysteries and subtleties of science and sophistry. Now, Pt. Madan Mohan and other leaders pointed out that the acute agrarian situation in U. P. and elsewhere was due no doubt to world depression bringing down prices to a low level so that there was no sufficient and adequate return to the agriculturists for their agricultural produce; but they submitted that these general causes had been assisted and accentuated by the wrong Exchange policy of the Indian Government.

## XXXVIII. RUPEE'S NEW ALLIANCE

This 18d. ratio had been at gold point. That had kept the poor rupee at least a dependable thing. Wedded to a gold standard it was even respectable. But a simple decree from Whitehall divorced the Indian rupee from its natural and respectable alliance with gold and wedded it to the erratic sterling. This linking of the rupee with the fluctuating sterling made it lose its domicile, or as it was called, its natural level, in the world market. The Indian Merchants' Chamber (Bombay) took strong exception to the statement of Sir S. Hoare (the new Secretary of State for India) re: the surrender of the gold point, and said: "The rupee should be linked to gold to secure a true gold standard, and not to sterling which was fluctuating and depreciating in terms of gold." The Federation of Indian Chamber of Commerce and Industry also sent a telegram to the State Secretary and Mahatma Gandhi protesting against the step taken behind the back of India in a matter so vitally affecting her interests. On the 25th. the Legislative Assembly in Simla moved a resolution regarding what was called Whitehall dictation. A second Finance Bill had also been introduced by the Finance Member to raise more money by taxation (which touched not only Incomes and Postal Rates but the poor man's salt also) to make the two ends of administration meet. This was also stoutly opposed by the Assembly which turned down the proposal by a majority of votes. Government tried to untie the gordian knot first by adding the Governor-General's recommendations to the proposals; but the attempt having failed, the knot was finally cut by the Governor-General's certification. The nationalist papers waxed indignant over the whole business and exclaimed—"financial autonomy of India in action indeed"! Mr. Shammukham Chetty who moved the censure resolution (carried by 64 votes to 40) denounced the policy as "political emancipation coupled with economic slavery". This he said was indirect preference for British against foreign countries whose trade totalled (2 years ago) 386 crores against 172 with England. The Indian Gold Reserve was depleted to the extent of 60 crores through the Exchange policy—he also informed us. On the other hand, Sir S. Hoare met some Indian R.T.C. delegates to explain the Government's rupee move. Sir Henry Strakosch, a finance authority, was present to answer questions asked. Mahatmaji was also present, but he reserved judgment. Subsequently he said that he was unconverted and unconvinced.

## XXXIX. U. P. AGRARIAN SITUATION.

It was generally feared that the U. P. agrarian situation would in all probability prove to be the grave of the Gandhi-Irwin Pact. An Agrarian Committee had been appointed, but it soon came to a deadlock. There had been 60 p.c. increase of rent during the last 30 years. It was claimed that this should be brought back to the old level. Landlords would thereby lose  $4\frac{1}{2}$  crores. As a counterblast they demanded that Government should abandon land revenue to the extent of  $1\frac{1}{2}$  crores. Government could not agree to this. They would fall back to the level of land revenue as in 1901. Congress W.C. met (Oct. 27) at New Delhi to consider the situation. Pt. Jawharlal strongly advocated a no-tax campaign in U.P. But C.W.C. would rather wait till the return of Gandhiji. It

also endorsed Mr. Aney's award in the Bengal Congress election dispute. Congressmen and Government officers were however still discussing rent remission in U.P. and trying and hoping against hope to find an way out. And it should be noted that the C.W.C. did not block the way. It was still averse to the starting of a no-rent campaign. Mahatmaji had indeed wired to Pt. J. Nehru that nothing was to be expected from the R.T.C. But this as he subsequently explained referred to the agrarian situation. On the 11th. November, the Agrarian Committee report was published. The actual remissions meant sacrifice of land revenue to the extent of 1 crore and 20 lacs. This was the limit beyond which Government could not go. Congress demanded further reduction of current kharif rents then due. According to its demand, the total rent remissions should be 6 and  $\frac{1}{2}$  crores--total increase since 1901. "Peace or no peace, Congress would come between the landlords and tenants; it would never countenance the utter economic ruin of the peasantry in the process of rent realization." The deadlock continued till December. In the first week we find that the U.P. Government refused further discussion on the ground that "interim" advice had been given by the Congress to cultivators to withhold payment of rent pending negotiations. Both the Government and the Provincial Congress Committee issued statements explaining their respective positions. The curtain however was rung down unceremoniously on the whole affair of negotiations by the promulgation on 14th. December of the U.P. Instigation and Emergency Powers Ordinance. It was on the Bengal model. It was to provide against instigation and also to arm the Government with special and very drastic powers to control suspected persons, to take possession of property, control transport, impose collective fines and making parents and guardians liable for the offences of young persons. A similar Ordinance had been promulgated (Nov. 28) in Bengal (extended in the first instance to Chittagong). It had among other things vested Special Tribunals with very extraordinary powers re: procedure and passing of sentences.

#### XL. R.T.C. VESSEL SAILING IN PERILOUS ZONE

The R.T.C. vessel had at first been sailing on what seemed to be a placid and chartered sea. But soon it found itself drifting to a perilous zone where sunken reefs lurked beneath a deceptive surface placidity. The vessel had been foredoomed to be wrecked on the communal rock. Mahatmaji's first speeches on the F.S.C. were not taken as containing an ultimatum. Still he was not mincing matters. On the 27th July he said in an interview—"If ministers wanted to mark time and shunt the Indian settlement he would wish to return to India." Summing up the position he said there had so far been neither progress nor retrogression. But things were not at a standstill and some at least of the influences had not simply been marking time. Things were moving but not in the direction in which the Congress would wish them to move; and influences had not been marking time but burying mines and trimming and connecting their fuse. On the 28th. the Premier of course referred to the Hindu Moslem question as an "internal question" in regard to which Government arbitration would be unacceptable to all. "You should be your own scapegoats, for if you are responsible, you will and must work

out an agreement."....."Government arbitration the most unsatisfactory solution". On the other hand, H.H. the Aga Khan had broadcasted to America—"They will resist to the last any attempt that under the colour of democracy places them at the mercy of other sections. Moslems will however fight shoulder to shoulder with the Hindus for a constitution giving stable and just democracy." The Aga Khan had, it would seem, already picked up some of the stock and choice vocabularies of British conservatism. Mr. Jinnah too had been in such a fighting mood while addressing the Moslem Students' Union in Bombay that Mr. Chagla, a nationalist Moslem leader, had thought fit to characterize his speech "as unfortunate and mischievous." The Big Brother had never of course cared to conceal his coat of mail in soft diplomatic trappings. He was for fighting "a thousand Gandhis". In a Madras address he was also reported to have said that non-violence had never been his creed. Had this avowal an implied relation to his proposed method of fighting a thousand Gandhis? We do not know. A Bombay Nationalist Moslems' meeting was however sought to be broken up by a lathi charge by some communalists. But who would dare suggest that this was done under the inspiration of any of the high apostles of sweet reasonableness and Moslem unity?

#### XLI. HINDU-MOSLEM TALKS IN LONDON : OTHER MINORITIES.

Mahatmaji had talks with Mr. Jinnah in the last week of September on the Hindu-Moslem question. He was ready to concede practically the whole demand but he would consult the Nationalist Moslems. He would in particular have Dr. Ansari in the R.T.C. Pt. Malaviya and Dr. Moonji were watching the developments with evident anxiety. October opens with the dissolution of the Parliament. The Communal deadlock still remained. There were adjournments of the Minorities Sub-committee in the hope that some kind of settlement would be reached. An informal Committee was constituted with Mahatma as president to thresh out the whole question. Mahatma's "blank cheque" had alarmed the Hindu Mahasabhaites as well as the Sikhs. Mr. Jayakar in a letter to the Mahatma said that the blank cheque had a "romance about it" but it was wholly unsuitable. The situation was further complicated by Mahatmaji conceding special representation to the Moslems and Sikhs but stoutly denying it to the Depressed classes and other minorities. This naturally provoked a most determined opposition from certain sections. Mahatma said that special representation of the Moslems and Sikhs was accepted by him for "historical reasons." It had been a legacy to the Congress under the Lucknow Pact. (But did it apply to the Sikhs?) The Congress position was explained by Mahatma as aiming at the elevation of the Depressed Classes which could not be achieved by special representation, but by adult suffrage and declaration of rights, with a right to appeal to the highest tribunal in the land. The Lahore Resolution and the W. C. Resolution at Bombay had formulated the Congress view. Special representation given to the Depressed Classes would vivisection the great Hindu society and divide the peaceful Indian villages into opposing camps warring with one another for a dubious mess of political pottage. Pt. Malaviya also thought that the purpose of national govern-



ment would be defeated if special representation were introduced. This attitude however provoked opposition not only from Dr. Ambedkar who said—"the untouchables are not Hindus", but also from the Moslems and Sikhs and some of the prominent nationalists such as Sir Tej Bahadur Sapru. In fact, the minorities including the Moslems and Sikhs pooled their resources and made a common cause and took a common plea. They drew up a "Bill of Rights" containing 11 clauses defining their special rights as to franchise, citizenship etc. And they claimed that they represented 46 p. c. of the Indian population. Be it said in fairness to the fair sex represented in the R. T. C. that it refused to have anything to do with the Minority Pact or special representation.

## XLII. WHY MAHATMA OPPOSED SPECIAL REPRESENTATION OF DEPRESSED CLASSES

Mahatmaji opposed special representation of the Depressed Classes in their own interest. He claimed that he represented them—in fact that the Congress represented 95 p. c. of the people of India. And he made it perfectly clear that he would not only have universal adult suffrage (barring for the present the Moslems and Sikhs if they should, pending the referendum which was to follow, refuse to rub shoulders with the Hindus at the polls), but that he would forthwith admit all classes including the untouchables to certain common and fundamental rights of social status and civic liberty. As he said at the final sitting of the Minorities Sub-committee: "Heaven help India if India is to have representatives elected by racial groups." Special representation for the Untouchables would be "a perpetual bar sinister". That the Untouchables' spokesman in the R. T. C. had distrusted him had been "the unkindest cut of all." "I will not sell the vital interests of the Untouchables even for winning the freedom of India." "I claim that in my person I represent the vast mass of Untouchables. If a referendum were taken, I would top the poll." Special electorate, he added, was no removal of the bar sinister which was the shame of the orthodox Hindus. "I would far rather Hinduism died than untouchability lived." He did not mind if the Untouchables were converted to Mohammedanism or Christianity. But there must be no division in the villages. "I will fight it with all my life." He also explained why the H. M. Settlement had failed. The very communal emphasis had defeated the purpose. The communal question was not the fulcrum; the R. T. C. had not been called for that. British statesmanship and British pledges certainly soared higher than that. Sir H. Carr's and others' Agreement (the Minority Pact) was not designed to achieve responsible government, but share power with bureaucracy. "If that is the intention.... I wish them well, but the Congress is entirely out of it." "The Congress will wander in wilderness rather than go in for it." It was not to be expected that after 10 years' experience of this scheme which made us live in reserved compartments and in mutual distrust if not antipathy, it was likely that we should rise one fine morning hugging one another in an exuberance of fraternal love. Responsible Government, if it were to come, must not undergo vivisection. No government. would stand the strain.

## XLIII. MAHATMAJI'S CONCESSIONS TO DEMANDS

We need not review the dreary and protracted business of the detailed negotiations. The Moslem delegates raised rather than lowered their demands in the second session. We need not trace the erratic curve of those demands. Mahatmaji, as we saw, was prepared to concede the substance of them without haggling, and his attitude in this respect was both misunderstood and viewed with grave misgivings by the Hindu Mahasabha, the Sikhs and many others. His concession to the Communalist demands was subject however to certain vital conditions. First, the Moslems must make common cause with the Hindus or rather with the Congress in the matter of Purna Swaraj. Secondly, the Nationalist Moslems must be consulted and an agreed position must be evolved. Thirdly, no other Minority must be unfairly and unjustly treated and placed in an unsatisfactory position. The communalist delegates would not come down and meet these conditions even half way. It was hinted by some London correspondents that they had been in secret cordial *entente* with the die-hard section of British Toryism as represented for example by Lord Llyod, Lord Bentford, Lord Sydenham and others. They were said to have been braced up whenever signs of weakness or of yielding were indicated. Sir Ghuznavi, for example, arrived in London in the nick of time (so it was suggested) to save the situation when such signs were developing. Whatever truth there might or might not be in such allegations, we find that the Moslem delegates persistently refused to have anything to do with federation or central responsibility, unless their entire communal demand were first conceded, or as they liked to put it, their special interests were adequately safeguarded. They also persistently refused to submit their plea to arbitration or decision by an outside (and, as Mahatmaji suggested, judicial) tribunal. After Mahatmaji's refusal to concede special representation to all minorities other than the Moslems and Sikhs, there was made, as we saw, an offensive and defensive alliance amongst all the minorites (with the exception of the women delegates). Their "bill of rights" gave up of course the absurd game of trying to make the majority community a minority, but still its upshot was, as Mahatmaji said, not responsible government, but sharing power with the bureaucracy. The Premier had on one occasion valiantly offered to arbitrate if all parties would accord their consent to this in writing, but it was an offer that Mahatmaji was not in a position to accept. It is to be observed in fairness to the Premier that, though he had laid stress on the need of solving the communal question (and no body would join issue with him in that), he had never perhaps intended to sidetrack or delay the constitutional issue pending a solution thereof. Some of his sermons in the R. T. C. contained phrases that might have jarred on account of their familiar tone on the ears of the delegates; but there was perhaps nothing to make us suspect that he was talking pure claptrap or bunkum, when he was asking the delegates to "face the facts" and not "stand in the way of the Government" trying to do justice to India. It was just likely that he felt himself in as complex a tangle as his Indian guests found themselves in, and was as anxious to find an way out as they. He was ready to help and seek help, and it would perhaps be unjust and

*uncharitable to suggest that his heart was gladdened and not dismayed at the turn of events which tended to make confusion worse and still worse confounded. But at the same time it must be remembered that he had packed the R. T. C. with the nominees of Simla and Whitehall, and though of course he had attempted to mend matters a little by inviting the Congress also to participate, he failed to attach to the sole Congress delegation the measure of weight and importance that it deserved by reason of its unique position as the accredited representative of the best organised and most virile national institution in India.*

#### XLIV. THE REPORTS AND THE CONGRESS POSITION

About the constitutional achievement of the second R. T. C., the less said the better. The F. S. C.'s report was inconsequential and made only minor changes in the recommendations of the first session report. Mahatmaji had his Note of Dissent. He was opposed to the proposal of two chambers in the Legislature with co-ordinate powers. He was prepared under certain conditions to support a small second chamber consisting of the nominated delegates of the governments of the Federation, advisory in function. He was also opposed to special representation of landlords, European and Indian commerce and labour. No nominated members in the House of Representatives, though specialists may address the House. Indirect election on the basis of village units and adult suffrage. As regards, of course, the vital point of control over the vital matters of policy—political, financial and military—neither the first nor the second report contemplated giving that control. And it was this that the Congress could not do without. Policy in army, external relations and finance must be substantially under popular control even during the so-called period of transition. Safeguards and all necessary adjustments must be solely and clearly in the interest of India. India will respect the just rights not only of the Services but also those of all other foreign interests; will continue to seek and have the help of the bureaucracy in the matter of future administration; but she will not share responsibility with them. That was the Congress position. There was hardly any substantial advance made to this position in the second report. The Premier on the 13th. November and on 1st. December spoke in the R. T. C. on the policy and plan of the British Government. It was practically a reiteration of the policy and plan as set forth in the 19th. January Declaration, 1931.

The reports of the various Committees were provisional as regards certain matters, while divergent opinions only were recorded as regards certain others. We must leave our readers to the good offices of the White Paper. We do not deal with them here. We have spoken already of the Working, Federal Finance, Fact Finding, Franchise Committees that were set up to explore further into the details and intricacies of the future Indian constitution on the spot and report. Some thought this was the only way to continue the work of the R. T. C.; while others asked—if this meant business or simply marked time.

#### XLV. "NO WRECKING POLICY"

The General Election in England had been a "tariffist victory," and the House of Commons had been packed with Tories just as the R.T.C.

had been packed with the "Nominees" and Communalists. The "Daily Herald" had suggested that the Tories now in overwhelming majority would prove too powerful for those who intended to do their duty by India, and that these elements in league with the more pliant materials in the R. T. C., would be able to wreck it. In fact, they were planning to wreck it—said the "Daily Herald". Both Sir S. Hoare and the Premier of course promptly and stoutly repudiated the insinuation, but observant and wary minds are, and were, not easily reassured. "There is no going back to the Simon report"—we were assured. But on November 7 we find 29 prominent Roundtablers including Gandhiji addressing a letter to the Premier asking him not to think that Provincial Autonomy only without central responsibility could meet the present Indian situation. Provincial autonomy must be taken as part of a compact and comprehensive scheme of central responsibility, organically related to it as units are related to the whole. Jamal Mahammad was the only Mahammedan delegate who signed the document. In deference to the wishes of these members, the Premier thought it expedient to defer the grant of Provincial Autonomy only in the first instance. But not only this but the whole question of responsible government was postponed to an uncertain future date for decision. Possibly another Conference would meet after the Committees sent out to India had reported. Then a fresh tamasha of rocket-firing and communal mud-throwing in London perhaps. Mahatmaji had, it is true, at a certain stage of the Conference asked for the immediate introduction of Provincial Autonomy pending the settlement of certain technical difficulties inseparably connected with the introduction of federation and central responsibility. This again had made Messrs Sapru, Jayakar and other friends nervous, as his blank cheque, his opposition to special representation of the Depressed Classes and others, and his rather socialistic rendering of the relation between the haves and have-nots in Future India had alarmed or worried them. But as Mahatmaji explained, his idea of provincial autonomy (with no reserve powers for the Governor, and practically no overriding powers for an outside authority) differed from the R. T. C. brand as real pearl of the first water differs from third rate imitation pearl. The federal device did not work very happily in the second R. T. C. As Gandhiji said—it proved to be "another apple of discord." In fact, the participation of the Congress in the R. T. C. had made all the heterogeneous elements in it feel uneasy, nervous, suspicious and alert. It was felt that Congress meant to dominate the situation.

#### XLVI. R. T. C. AND AFTER

This not only made the would-be co-operators jealous and distrustful of one another, but it stiffened the back of Authority. We have before dwelt at some length on the inner and temperamental causes which had been undermining the Pact with the Congress. The happenings in India accelerated the process. There was no settlement of the agrarian dispute in U. P. Congress withdrew from the Gordon Enquiry in Bardoli. The Bengal Provincial Conference at Berhampore protested against Ordinance-rule, decided to boycott all British goods. B. P. C. C. also threatened to begin direct action on its own responsibility if the C. W. C. would not make common cause with it as regards

Hijli, Chittagong and the Ordinances. The European Associations and many Anglo-Indian papers had again been breathing fire. Such stray remarks by responsible cabinet ministers as—"the British soldier will never consent to serve under Indian orders", "there was no prospect of a considerable reduction of the British Army in India", "safeguards must be real and there would no relaxation of them without the consent of Parliament"—were taken by many as throwing a lurid, significant side-light on the approaching shadow of the coming order. Several drastic Ordinances had already been promulgated and some of the Congress leaders already arrested (including the "Frontier Gandhi") when Gandhiji landed in Bombay, cancelling his American and European tours, in response to urgent calls from the Congress President and Executive. He had already contradicted the Italian report that he had made up his mind to "renew the fight" upon landing on the Indian shore. He arrived with a perplexed but open mind to seek light from both the quarters—nationalist and government. He would discuss with all and then make up his mind and advise the C. W. C. and also Government if they would have his advice. The Viceroy and his Council were then in Calcutta. Practically every body was busy burying the truce and no one was found praising it. Gandhiji wanted to interview the Viceroy and seek advice. The Viceroy would under no circumstances discuss the Ordinances with him. Gandhiji prays reconsideration of the decision and forwards for information the Resolutions of the W. C. to meet the situation in case Government refused to revive the Agreement with the Congress. We would refer the reader to the file of correspondence itself. It is an interesting and instructive reading. Government, however, regards this as a threat and says that no government can act under threat and observes that government cannot make its policy dependent on the judgment of Mr. Gandhi. It is fully prepared to meet the revival of Civil Disobedience. Gandhiji explains that he had of course no intention to dictate policy to government when he sought an interview to discuss the new measures; that the C. W. Resolutions were hypothetical and meant no threat. After this, the arrest of Mahatmajji and other leaders and the banning of Congress organisation came as a matter of course. *Specially contributed by Prof. Dr. Ramathirth Mukhopadhyay.*

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# THE INDIAN NATIONAL CONGRESS

## The Working Committee Proceedings

BOMBAY—7th. TO 12th. JULY 1931

*The Working Committee met at Mani Bhawan, Gamdevi, Bombay from July 7 to 12, 1931. All the members of the Committee were present. Pandit Madan Mohan Malaviya, Syt. C. R. Rajagopalachariar, Dr. Paltabhi Sitaramayya and Syt. Gopabandha Choudhury were also present by special invitation.*

The minutes of the last meeting of the Committee were confirmed and the following resolutions were passed :—

### I—INDO-BRITISH FINANCIAL OBLIGATIONS COMMITTEE

The Working Committee having received the report of the Committee appointed by it on financial obligations between Great Britain and India, places on record its thanks to the authors of the report and appreciates the great pains which they have bestowed on their work. The Secretaries are authorised to arrange for the early publication of the report.

### II—FUNDAMENTAL RIGHTS COMMITTEE

The report of the Fundamental Rights Committee was placed before the Working Committee. The Working Committee thanked the members of the Committee for their labours and resolved that the Secretaries should give due publicity to the report and receive such further suggestions on the subject as may be sent by public bodies and individuals.

It was further resolved that the report be placed before the A. I. C. C. with such recommendations as the Working Committee may make on it.

### III—HINDUSTANI SEVA DAL

In view of misapprehensions that have arisen in regard to the relation of the Hindustani Seva Dal with the Congress and in view of the fact that unauthorised volunteer organisations are working in various parts of the country in the name of the Congress, the Working Committee resolves that

1. The Hindustani Seva Dal is hereby recognised as the Central Volunteer Organization of the Congress, working directly under the authority of the Working Committee or such person or persons as it may appoint in this behalf, and with the following functions :

(a) It shall act as a duly authorised institution for the training of officers and instructors.

(b) It shall enrol and train recruits in Karnatak or such other place as may be determined by the Working Committee from time to time, and they will form a permanent Central Corps for officers' training and will be liable to serve wherever necessary. It may also have training centres and camps for officers and instructors in other suitable places.

(c) It shall lend the services of officers and instructors for provinces at the latter's expense.

(d) It shall have power to form volunteer corps in provinces wherever so required by Provincial Congress Committees.

2. All Provincial Congress Committees are hereby authorised and required to form duly recognised volunteer corps.

3. No such corps shall be recognised unless all the members are members of the Congress and conform to the Congress creed and whose officers are holders of certificates from the Hindustani Seva Dal.

4. No volunteer board or corps not previously recognised by the Working Committee shall work in any Congress province in the name of or on behalf of the Congress.

5. Jawaharlal Nehru is appointed the member in charge on behalf of the Working Committee of the said Central Volunteer Organisation of the Congress and N. S. Hardikar, the Organising Secretary thereof and they will serve during the pleasure of the Working Committee. The member-in-charge shall frame the rules of the said organization so as to bring it in conformity with this resolution of the Working Committee and shall define the duties and qualifications of officers and members of volunteer corps, provided that such rules shall take effect after being first sanctioned by the Working Committee, and on the acceptance by the All-India Board of the Hindustani Seva Dal of this resolution.

#### IV—COMMUNAL PROBLEMS

The following statement was issued by the Working Committee :

However much it may have failed in the realisation, the Congress has, from its very inception, set up pure nationalism as its ideal. It has endeavoured to break down communal barriers. The following Lahore resolution was the culminating point in its advance towards nationalism :

"In view of the lapse of the Nehru Report it is unnecessary to declare the policy of the Congress regarding communal questions, the Congress believing that in an independent India communal questions can only be solved on strictly national lines. But as the Sikhs in particular, and the Muslims and the other minorities in general, had expressed dissatisfaction over the solution of communal questions proposed in the Nehru Report, this Congress assures the Sikhs, the Muslims and other minorities that no solution thereof in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned."

Hence the Congress is precluded from setting forth any communal solution of the communal problem. But at this critical juncture in the history of the nation it is felt that the Working Committee should suggest for adoption by the country a solution, though communal in appearance, yet as nearly national as possible and generally acceptable to the communities concerned. The Working Committee has thereof after full and free discussion passed the following scheme :

1. (a) The article in the constitution relating to Fundamental Rights shall include a guarantee to the communities concerned of the protection of their cultures, languages, scripts, education, profession and practice of religion, and religious endowments.

(b) Personal laws shall be protected by specific provisions to be embodied in the constitution.

(c) Protection of political and other rights of minority communities in the various provinces shall be the concern and be within the jurisdiction of the federal government.

2. The franchise shall be extended to all adult men and women.

(Note.—The Working Committee is committed to Adult Franchise by the Karachi resolution of the Congress and cannot entertain any alternative franchise. In view however of misapprehensions in some quarters the Committee wishes to make it clear that in any event the franchise shall be uniform and so extensive as to reflect in the electoral roll the proportion in the population of every community.)

3. (a) Joint electorates shall form the basis of representation in the future constitution of India.

(b) For the Hindus in Sind, the Muslims in Assam and the Sikhs in Punjab and North-Western Frontier Provinces, and for Hindus and Muslims in any province where they are less than 25 per cent of the population, seats shall be reserved in the Federal and Provincial Legislatures on the basis of population with the right to contest additional seats.

4. Appointments shall be made by non-party Public Service Commissions which shall prescribe the minimum qualifications and which shall have due regard to efficiency of the public service as well as to the principle of equal opportunity to all communities for a fair share in the public services of the country.

5. In the formation of federal and provincial cabinets interests of minority communities should be recognised by convention.

6. The North-Western Frontier Province and Baluchistan shall have the same form of government and administration as other provinces.

7. Sind shall be constituted into a separate province, provided that the people of Sind are prepared to bear the financial burden of the separated province.

8. The future constitution of the country shall be federal. The residuary powers shall vest in the federating units, unless, on further examination, it is found to be against the best interests of India.

The Working Committee has adopted the foregoing scheme as a compromise between the proposals based on undiluted communalism and undiluted nationalism. Whilst on the one hand the Working Committee hopes that the whole nation will endorse the scheme, on the other, it assures those who take extreme views and cannot adopt it that the Committee will gladly, as it is bound to by the Lahore Resolution, accept without reservation any other scheme if it commands the acceptance of all the parties concerned.

#### V—RETRENCHMENT ON RAILWAYS

The Working Committee, having carefully considered the situation in respect of retrenchment on the railways, it appears to it that, notwithstanding technical objections and precedents to the contrary, the demand of the All-India Railway-men's Federation for a Board of Conciliation to examine the policies and methods of retrenchment, specially so as to avoid the discharge of the lower paid staff, is just and reasonable.

#### VI—PLEDGE FOR EXCLUSION OF FOREIGN CLOTH AND YARN

*Resolved* that any pledge in connection with the exclusion of foreign cloth and yarn, inconsistent with the following pledge, shall be held to be invalid:—

"We pledge ourselves that we shall observe the following conditions so long as the Working Committee of the Congress does not give express permission by resolution to do otherwise:—

1. We undertake not to purchase or sell any foreign yarn made from cotton wool or silk or cloth manufactured from such yarn.
2. We undertake not to purchase or sell any yarn or cloth manufactured by mills that have not accepted the Congress conditions.
3. We undertake not to sell in this country any foreign yarn made of cotton, wool or silk or cloth manufactured from such yarn or silk that may be lying with us.

#### VII—ANTI-UNTOUCHABILITY COMMITTEE

The Working Committee is of opinion that the work of the Anti-Untouchability Committee which had merged in the campaign of last year, should be revived and therefore instructs *Sri. Jammalal Bajaj* to take the necessary steps for the purpose. The Committee shall have such powers of co-optation and the like that may be required.

#### VIII—TEXTILE MILLS EXEMPTION COMMITTEE AND LABOUR CONDITIONS

The Working Committee is of opinion that the Textile Mills Exemption Committee should endeavour, wherever possible and necessary, to prevent by amicable arrangement any penalisation or victimization of labour in the mills which have signed the Congress declaration and to help in the bettering of labour conditions in these mills.

#### IX—SWADESHI BOARD

*Resolved* that the question of appointing a Swadeshi Board be postponed to the next meeting.

#### X—DELHI ELECTION DISPUTE

Jawaharlal Nehru made a statement in regard to the Delhi Election Dispute.

#### XI—KARACHI RECEPTION COMMITTEE AND A. I. C. C. QUOTA

The Working Committee regrets that the Reception Committee of the Karachi Congress has not yet acted in accordance with Article XVII, Clause (b) of the Congress Constitution and made the payments provided therein and requests the Working Committee of the Reception Committee to pay to the Treasurer of the Congress the quota of the A. I. C. C. without further delay.

#### XII—BERLIN INFORMATION BUREAU

Read Mr. A. C. N. Nambiar's letter dated June 7, 1931. *Resolved* that £20 be sent to him to pay off the outstanding liabilities of the Berlin Information Bureau and that the Bureau be closed.



## XIII—ALL PARTIES ACCOUNTS

*Resolved* that the balance of the All Parties account amounting to Rs. 5,085-5-11 be transferred to the general funds of the Congress.

## XIV—AHMEDABAD OFFICE ACCOUNTS

The accounts of the Ahmedabad office of the A. I. C. C. from April 23, 1931, the date of the office, to June 30, 1931, were submitted and passed.

## XV—CAWNPORE ENQUIRY COMMITTEE ACCOUNTS

The Secretary submitted the audited accounts of the Cawnpore Enquiry Committee. The Working Committee sanctioned the expenditure so far incurred amounting to Rs. 2,170-4-9 and *resolved* that as Rs. 900 have already been sent by the A. I. C. C. Office and Rs. 50 have been received by donation, the balance of Rs. 1,220-4-9 be now paid to the Committee.

## XVI—AUTHORITY TO TREASURER

*Resolved* that Seth Jammalal Bajaj, Treasurer, be empowered to operate on the accounts already opened in the banks in the name of the All-India Tilak Memorial Swarajya Fund and further Seth Jammalal Bajaj is hereby empowered to appoint from time to time an attorney or attorneys who shall jointly or severally have exactly the same powers to operate on the All-India Tilak Memorial Swarajya Fund Accounts as are hereby granted to the said Seth Jammalal Bajaj. Provided however that the devolution of any of the said powers does not absolve the treasurer from any personal responsibility to the Working Committee.

## XVII—NEXT A. I. C. AND WORKING COMMITTEE MEETINGS

*Resolved* that the next meeting of the A. I. C. C. be held in Bombay on August 6, 1931 and following days and the next meeting of the Working Committee be held on August 4 and 5.

## XVIII—STATEMENT REGARDING BREACHES OF THE DELHI SETTLEMENT

The following statement was issued on behalf of the Working Committee :

Among the important things that the Committee considered was the serious question of the complaints received from various provinces about breaches of the Delhi Settlement by provincial authorities. It is unnecessary for the Committee to say more on this question at present as it is taking necessary steps in the matter and is not without hope of obtaining relief.

## The All-India Congress Committee

BOMBAY—6th, AUGUST 1931

Enthusiastic scenes marked the proceedings of the A. I. C. C., which began on the 6th, August 1931 at the Mahavir Jain Vidyalyaya, Bombay under the presidency of Mr. Vallabhbhai Patel, Congress President.

About 180 members were present. The spacious hall, which was tastefully decorated in Khadi, was packed with the visitors. Prominent on the dais besides the members of the Working Committee, were Pandit Malaviya, Mr. Abbas Tyabji, Dr. Pattabhi Sitaramaya, Mr. T. Prakasam, Mr. Sambamurti, Mr. S. Satyamurti, Barrister Abhyankar, and other prominent Congressites.

## DISAFFILIATION OF LONDON BRANCH

After the minutes of the previous meeting were confirmed, Pandit Jawaharlal read to the meeting, the Working Committee's resolution disaffiliating the London branch of the Congress.

*Mr. S. Satyamurti* protested against this action of the Working Committee describing it as *ultra vires* of its powers. He pointed out that the constitution vested powers for disaffiliating the branches only in the A. I. C. C.

*Pandit Jawaharlal* explained that the activities of the London branch for a long time past had been directly opposed to the objects of the parent body, as evidenced by the innumerable cables concerning its proceedings during the past two years. He added further that the London branch had not paid its affiliation fees, except for the first year and letters had remained unanswered. In March 1930, continued *Pandit Jawaharlal*, he addressed the London branch to show cause why it should not be disaffiliated on those grounds, but no reply was received. Hence the resolution of the Working Committee only sought to regularise the position.

*Mr. Satyamurti* maintained that whatever might be the reasons which justified the Working Committee's action in passing the resolution it rested with the A. I. C. C. alone to disaffiliate it. He, therefore, proposed that a statement should be circulated among the members explaining the situation as far as it affected the London branch and that, meanwhile, consideration of the question should be adjourned to the 8th.

#### SINGLE-MEMBER CONSTITUENCIES

*Mr. Satyamurti* also objected to the Working Committee's resolution calling upon the Provincial, District and Village Committees to frame their rules so as to make the constituencies single-member constituencies on the ground that according to the constitution of the Congress, the A. I. C. C. was the only competent authority to introduce any such change or interfere with the autonomy of provincial committees.

After a good deal of discussion, it was agreed to substitute the words "calls upon the Provincial Committees" by the words "the Working Committee recommends to the Provincial Committees".

#### 1. Condemnation of Crimes of Violence

After a prolonged debate lasting five hours the following resolution was passed :-

"The All-India Congress Committee deplors the attempted assassination of Sir Ernest Hotson, Acting Governor of Bombay and the assassination of Mr. R. R. Garlick of Bengal.

"While condemning all political murders, the A. I. C. C. regards the attempted assassination of Sir Ernest Hotson, Acting Governor of Bombay, as the more condemnable, inasmuch as it was an act done by a student of a college that had invited the Acting Governor as its honoured guest.

"The A. I. C. C. warns those, who secretly or openly approve of or encourage such murders, that they retard the progress of the country.

"The A. I. C. C. calls upon the Congress organisations to carry on special propaganda against all acts of public violence even where provocation is given for such acts.

"Further the A. I. C. C. appeals to the Nationalist Press to use all its influence in this behalf.

#### GANDHIJI'S APPEAL

*Mahatma Gandhi*, moving the resolution, made a long speech reiterating his unflinching faith in non-violence, and strongly condemning acts of violence as gravely jeopardising their hopes of attaining *Swaraj*.

Half way through the proceedings, a party of 200 members of the Naujawan Bharat Sabha, carrying red posters, bearing hostile slogans, marched in procession to the meeting place, and indulged in angry demonstrations against the Congress and shouted "Down with Gandhiji", "Down, down with the Round Table Conference" and other slogans.

Speaking on the resolution *M. Gandhi* said :

"I hope you all have understood the meaning of the resolution, and therefore it is unnecessary for me to burden you with a Hindustani translation. I want to tell you, there is much more in my heart than what I have stated here. I tell you this, because I have framed the resolution myself and because I know I can carry you with me. Further I have to inform you that there was no difference of opinion among the members of the Working Committee on this resolution, and therefore I hope this House will have no difference of opinion on it. But still I don't want you to accept it without argument or discussion. I want you to express your

opinion on it, and if you don't agree with it, to throw it out. This resolution has not been brought to deceive ourselves, Englishmen or the world at large, but it has been moved to declare what the Congress creed is. The Congress is striving for the attainment of Purna Swaraj by non-violent and peaceful means. We have decided to follow the path of peace, truth and righteousness, and so long as we believe in it and the world also believes that that is our way, it becomes obligatory upon us to stick to it strenuously in thought, word and deed. It also becomes our duty to prevent those who want to from following violence and we must try to win them over.

"In 1920, when the Congress adopted non-violence as its creed the argument was brought forward why the Congress should take notice of what non-Congressmen did. It was also asked why the Congress should not allow others to do what they liked, while it followed its own path. It was said that, if the Congress wanted to follow non-violence, even submitting patiently to the violence done against it by its opponents, the Congress had no business to advise others. Ever since this controversy started, my reply thereto has been that the Congress claims to represent and speak in the name of India, and its fight has been for the good of every Indian whether he be a Hindu, Moslem, Parsee or Christian. We claim to exert influence on them, represent them and speak on their behalf, and our fight is not meant only for Congressmen.

"Last year when we carried on the struggle for freedom, the whole country backed us all. Those who participated in the struggle were not all Congressmen. Our strength had been immensely increased by working for all and accepting everybody's help. The Government has admitted the strength of the Congress not because they consisted of some thousands, but they have recognised the strength of the Congress because they know that the masses are behind them. Do you believe that if you declared you have nothing to do with the masses and your fight was only for the members of the Congress, your word would carry the same weight as it does to-day? Those who commit violence, you must remember, are also our brethren, and it is our duty to prevent them from committing violence. When we claim to represent them we must also accept responsibility for what they do. In 1921, I had made it clear that we shall be responsible for the actions of non-Congressmen also, and you know I suspended my work once or twice for this reason. I say, such suspensions did not make our cause suffer, but they distinctly helped us. There are still people saying that I committed a blunder when I stopped the fight in Bardoli. They say that if the fight had continued, by this time we would have won freedom. I don't think so, and I still believe that what I did was correct. The present awakening in the country is due to that action.

"On former occasions when we condemned violence, we also praised the spirit of sacrifice of young men, but I am afraid we pressed it too far and that we reached the limit when we passed the resolution at Karachi about Bhagat Singh and his comrades. When I moved that resolution, I felt that his sacrifice was great and his character splendid and spotless and if I did my best to save him from the gallows that was the reason. We passed the resolution in the belief that it would have a sobering effect on the youth. But I failed in that attempt. I am not unaware of the increased strength of the youth but it is being misused, and I should confess I did not get the success that I wished. On the contrary, it was exploited very badly and I am very sorry for it. There are those who accuse me, in respect of that resolution, that I wanted to placate the Youth and I wanted to carry the Congress with me in the Delhi Agreement. My reply to such critics is you cannot claim to know what is in my mind. God alone knows it. I can say this much. I shall never commit such blunders. If I do so, I shall not be true to the Congress. For some it may be a question of mere policy, but for me it is my dharma. I do not attach so much value to the Round Table Conference as to the observance of the Delhi Pact, whereby we have been benefited and, even now, I do not feel we were mistaken in accepting it. On the contrary we have gained much thereby, and will gain more in the future. You may consider it worth consigning to the wastepaper basket, but nothing would convince me. I am also aware of the objections that too much is made about the acts of our young men, while Government's acts are ignored. I say it is no business of the Congress to take notice of what the Government does as it is trying to change the system of Government. Experience has taught us we must sound a note of warning against violence."

Gandhiji further asked the House to consider the proposition dispassionately before they gave their assent to it.

The meeting then adjourned for half an hour for submission of amendments.

#### DISCUSSION ON AMENDMENTS

When the meeting re-assembled, *Mr. J. M. Das Gupta* (Bengal) moved an amendment which fell through for want of a seconder. The amendment, while deploring the recent acts of violence on certain Government officials, sought to repudiate the attempts made in certain quarters to connect the Congress with these acts of violence. He added that if the Government had taken advantage of the Truce by releasing political prisoners, dropping political prosecutions, withdrawing ordinances, stopping all illegal detentions and completely putting an end to its repressive policy, the country could have been saved from all these outrages since the truce. Further, it condemned the policy of the Government in trying to suppress violence by violence, thus producing responsive violence and hatred and creating an atmosphere uncongenial to the success of the Round Table Conference.

*Mr. Sarveswara Sastri* (Andhra) moved next an amendment for the deletion of the second and third sentence and for omission of the word "public" before the word "violence" in the fourth sentence. He explained that he was against the idea of condemning acts of violence as such, without appreciating the motive. He objected to the Congress interfering with the activities of other parties, but wanted to leave them alone as the Congress was leaving parties like Liberals.

*Mr. Dush Gupta* (Delhi) moved a 3rd amendment wanting to add the following sentence to the resolution: "The A. I. C. C. trusts that the Government will also realise its responsibility on this behalf and take early steps to stop such provocations which led misguided young men to commit ugly acts of political murder."

*Mr. Sambamurti* (Andhra) disapproved of the whole resolution, and wanted the following instead to be passed: "The A. I. C. C. calls upon the Congress organisations to carry on propaganda against all acts of violence, both on the part of people as well as on Government officials even where provocation is given for such deeds."

*Mr. Sambamurti* maintained that all use of force was not violence. He considered only such force as violence as was unjust, and unrighteous. He further urged the audience not to submit meekly to Governmental violence, but to carry on propaganda against all kinds of violence.

There were three or four amendments to the same effect.

*Dr. Pattabhi Sertarajah*, supporting the original resolution said: Any attempt to tamper with the original resolution would result in mutilation and any additional rider would be superfluous. He therefore appealed to the House to accept it as presented.

*Pandit Jachharlal*, supporting the resolution, said that they were not trying to apportion blame between the Government and the youths in the matter of violence. But having accepted non-violence as their creed, it was their duty to follow it unflinchingly. He added that the amendments implied that they wanted to condemn the action of the revolutionaries but did not want to alienate their feelings, in other words, were willing to wound but afraid to strike. He concluded "If you really believe in non-violence, you must adhere to it".

*Pandit Malaviya* also addressing strongly urged the House to accept the resolution as presented by Gandhiji.

*Gandhiji*, replying to the debate, reiterated that as long as the Congress creed was non-violence, the resolution proposed would not admit of any amendments. He further pointed out that as far as the Government's repressive policy was concerned that was the place where reference could be made.

The original proposition was carried by an overwhelming majority with only three dissenting. The Committee then adjourned.

BOMBAY--7th. AUGUST 1931

## 2. National Flag

The flag resolution of the Working Committee was taken up to-day. The following is the text:—

"The National Flag shall be three coloured, horizontally arranged, as before, but the colours shall be saffron, white and green in the order stated here from top to bottom, with the spinning wheel in dark blue in the centre of the white stripe: it being understood that the colours have no communal significance, but that saffron

shall represent courage and sacrifice, white, peace and truth, and green shall represent faith and chivalry and the spinning wheel the hope of the masses. The proportions of the Flag should be fly to hoist as three to two".

Speaking on the resolution, *Pandit Jawaharlal Nehru* laid stress on the fact that the present flag had created certain associations with it, and it would not be proper to change it fundamentally.

*Dr. Syed Mahmud* seconding the resolution, declared that the new flag was much more beautiful and better than the old one.

*Mr. Fulchand Mehta* (Karachi) moved an amendment that, in addition to the charka in the centre, a scythe, sword, crescent, hammer and stars should be included.

*Mr. Satyamurti* moved : "That the A. I. C. C., after considering the report of the Flag Committee and the Working Committee's resolution thereon is of opinion that the National Flag now in vogue should be retained."

Recommending the amendment to the House, *Mr. Satyamurti* said that flags were not created by individuals, but they grew from conventions and as such they could not be changed by anyone. He appealed to the House not to be carried away by speeches, but to consider whether it was necessary to change the present flag at all. He considered that the new flag recommended by the Working Committee was unworthy of any nation. He maintained that it would be ruinous if they changed the flag which had grown as a result of convention and for the sake of which many had made great sacrifices.

*Mr. Sidhua* (Karachi) opposed *Mr. Satyamurti's* amendment and added that the present flag had somehow come to have communal significance and hence it should be changed.

*Mr. Purshotamdas Tandon* moved that Kesari colour instead of red be adopted keeping the present flag otherwise intact.

On the conclusion of the debate the amendments were put to vote and declared lost. The original proposition was carried by an overwhelming majority.

### 3. Fundamental Rights

Clause (1) Article (1) of the Fundamental Rights Economic Programme read "Every citizen of India has a right to free expression of opinion the right of free association and combination, and the right to assemble peaceably and without arms for purposes not opposed to law or morality."

A series of amendments were moved to this clause which when put to vote, were lost and the original clause adopted.

*Mrs. Lalshmiipati* (Andhra), wanted to add a rider that every citizen should have the right of civil resistance to oppression.

*Mr. Munshi* (Bombay), wanted to include the words "freedom of press" after the words "free expression of opinion" as he maintained that the clause as it stood would not include freedom of press.

*Mr. Satyamurti* (Tamil Nadu), observed that the clause as it stood, was comprehensive enough to include freedom of press also.

Clause (2) read : "Every citizen of India shall enjoy freedom and right to freely profess and practise his religion subject to public order and morality." It was carried without any amendment.

Clause (3) read : "The culture and language of minorities and the different linguistic provinces shall be protected." It was carried.

Clause (4) read : "All citizens of India are equal before the law."

*Mr. Sarveswara Satsri* (Andhra), wanted to add at the end of the clause that, women should not suffer any disability regarding their inheritance and marital rights, etc., because of their sex.

A similar amendment was moved by *Mr. Kaleswara Rao* (Andhra) also.

Both the amendments were lost and the original clause adopted.

Clause (5) read : "No disability attaches to any citizen by reason of his or her religion, caste, creed or sex regarding public employment, office of power or honour and in the exercise of any trade or calling." It was carried.

Clause (6) read : "All citizens have equal rights and duties regarding wells, roads, schools and places of public resort maintained out of public funds or dedicated by private persons for the use of the general public."

*Mr. Kaleswara Rao* (Andhra), wanted to add the words "tanks and chottries" also, but the amendment was lost and the original clause was carried.

Clause (7) read : "Every citizen has a right to keep and bear arms in accordance with the regulations and reservations made on this behalf." It was carried.

Clause (8) read : "No person shall be deprived of his liberty nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with the law."

*Mr. Kaleswara Rao* moved an amendment to the effect that there would be no confiscation of property except in cases where criminals used their property for commission of crime.

*Mr. K. M. Munshi* (Bombay) moved that the words "sequestered or confiscated" be deleted and the following words be substituted in the 3rd clause "and in consideration of just compensation previously determined."

Both the amendments were lost and the original clause accepted.

Clause (9) read : "The State shall observe religious neutrality regarding all religions."

*Mrs. Kamaladevi Chattopadhyaya* (Karnatak) wanted to add the words "except regarding social legislation affecting the progress and welfare of the people."

The amendment was lost and the original clause adopted.

Clause (10) read : "Franchise shall be on the basis of universal adult suffrage." It was carried.

#### PROPOSAL FOR COMPULSORY PRIMARY EDUCATION

Clause (11) read : "The State shall provide for free primary education."

*Mrs. Kamaladevi Chattopadhyaya* wanted to include the word "compulsory" before primary education, while *Swami Govindanand* (Karachi) wanted to make both primary and secondary education compulsory.

*Mr. Satyamurti*, supporting *Mrs. Kamaladevi's* amendment, expressed surprise at the Working Committee's turning down the suggestion regarding compulsory primary education, recommended by the sub-committee. The problems of India, he added, would be solved not by compromises, but by free and compulsory education.

*Pandit Jangharalal*, on behalf of the Working Committee, said that he favoured compulsory education but the Working Committee thought it would be difficult to enforce it in the whole of India. *Mrs. Kamaladevi's* amendment was accepted.

Clause (12) read : "The State shall confer no titles." It was carried.

Clause (13) read : "There shall be no capital punishment."

*Mr. K. M. Munshi* then moved that the following be added as sub-clause (14): "Every citizen shall be entitled to have a fixed dwelling, to trade, to acquire property, and to enjoy all civil rights and likewise to be treated equally regarding legal prosecutions or legal protection in all parts of India."

*Mr. Viswanath* (Andhra) seconded it.

#### FREEDOM OF MOVEMENT

*Sardar Sardul Singh*, Member, Working Committee, explaining why they omitted that clause, said the Fundamental Rights Committee was under a misapprehension that in the Swaraj Government, there would be two Indias (British and Indian States). It was because of this view that, he added, the Working Committee omitted the said clause.

*Mr. Satyamurti* moved an amendment on similar lines, and in commending the amendment to the House for their acceptance, expressed surprise at *Sardar Sardul Singh's* remarks that India would have one Government. He added that his personal impression from the proceedings of the Round Table Conference was that Princes would never guarantee the rights of their people and therefore he thought the rights of such citizens should be guaranteed.

After a great deal of discussion, *Mr. Munshi* and *Mr. Satyamurti* agreed to a compromise and accepted the following resolution which the House adopted by an overwhelming majority: "Every citizen of India is free to move throughout India and stay and settle in any part thereon, and acquire property and follow any trade or calling and be treated equally regarding prosecution or legal protection in all parts of India."

*Mr. Sarveswara Sastri* (Andhra) wanted another sub-clause to be added to the effect that it shall be the duty of the State to maintain all unclaimed and deserted children out of the State Funds. At this stage, the meeting adjourned.

BOMBAY—8th. AUGUST 1931

When the All-India Congress Committee re-assembled this morning, Mr. Sidhwa (Karachi) again asked the President to inform the House about Mahatma Gandhi's going to London to participate in the Round Table Conference.

The President informed the House that Mr. Gandhi would make a statement on that question at the end of the session.

Mr. Satyamurti (Tamil Nadu) referred to a resolution of the Karachi Congress which authorised the Working Committee to send the Congress Delegation under the leadership of Mahatma Gandhi to R. T. C. and expressed his surprise how the Working Committee had fixed upon a single representative here. Therefore he wanted to know the reasons, which induced the Working Committee to take such a decision, which he pointed, would be best done by having a debate on the subject.

The President agreed to allow the debate at the end of the session.

#### THE LABOUR PROBLEM

Thereafter the House proceeded with the discussion of the fundamental rights and the economic programme Article two whereof read: "The State shall safeguard the interests of industrial workers and shall secure for them by suitable legislation and in other ways, a living wage, healthy conditions, limited work and hours of labour, suitable machinery for settlement of disputes between employers and workers and protection against economic consequences of old age, sickness and unemployment."

Professor Ranga (Andhra) wanted the inclusion of agricultural labourers also, because he maintained that agricultural labourers consisted of the so-called untouchables and as such they experienced considerable difficulties.

Pt. Jawaharlal Nehru opposed the amendment on the ground that the particular article only dealt with the industrial labour.

Professor Ranga expressed surprise how Mr. Jawaharlal "most advanced Socialist and arch rebel" could oppose his amendment.

Pt. Jawaharlal resented his remarks and the President asked him to withdraw.

Mr. K. M. Munshi (Bombay) moved another amendment to the effect that "organisation of economic life must conform to the principles of justice and it may secure decent standard of living". Mr. Munshi wanted this to be added to the sub-clause. The amendment was carried.

Article three read "Labour to be freed from serfdom and conditions bordering on serfdom."

Mr. Satyamurti wanted to have a clause substituted by the following. "No person shall be compelled to labour against his will and without due compensation except when such labour is imposed by law" as he maintained that the Working Committee's recommendation was vague. His amendment was, however, lost.

#### WOMEN WORKERS

Article four read: "Protection of women workers and specially adequate provisions for leave during maternity period". Mrs. Kamaladevi Chattopadhyaya objected to the word protection, because her past experience had showed that women were shut up disabled and crippled under the false guise of "protection". She added that she was sure that there would be some conservatives in the Swaraj Government, who would exploit the word "protection" and continue to keep women under their thumb. Mrs. Kamaladevi's amendment, however, did not find favour with the House which rejected it.

Article five read: "Children of school-going age shall not be employed in mines and factories." Miss Kamswaramma (Andhra) wanted to include household labour also, as a large number of children were employed in it but her amendment was rejected.

Article six read: "Peasants and workers shall have right to form unions to protect their rights". Mr. K. M. Munshi (Bombay) wanted the following to be substituted in the place of clause six:—"Wage-earners and salaried employees are entitled to co-operate on equal terms with employers in regulation of wages and working conditions as well as entire economic development of productive forces organisations on both sides and agreement between them will be recognised."

Mr. Satyamurti opposing the amendment maintained that the words, peasants and workers, were comprehensive than what Mr. Munshi had suggested and added that workers were not employers and hence could not have the same powers as they. If Mr. Munshi's amendment were accepted, continued Mr. Satyamurti, workers'

cause would not be advanced but they would be playing into the hands of the communists. He further asked the President whether the amendment was in order when the latter ruled it out of order.

#### LAND REVENUE

Article seven read : "The system of land revenue and tenure and rent shall be reformed and equitable adjustment made of the burden immediately giving relief to the smaller peasantry by substantial reduction of agricultural rent and revenue now paid by them and in case of uneconomic holdings exempting them from rent so long as necessary with such relief as necessary to holders of small estates affected by such exemption or reduction in rent and to the same end imposing a graded tax on net incomes from land above a reasonable minimum."

This Article invited a most heated debate and the largest number of amendments, all of which were lost. Mr. Viswanathan (Andhra) wanted to add the following at the end of the Article : "The system of reform shall aim at the gradual elimination of all intermediaries between the cultivators and the state." Mrs. Kamaladevi seconded. Both the mover and seconder maintained that under the present system of land revenue the cultivator was being exploited and crushed by these intermediaries who were sucking their life-blood like horse-leeches. Two or three other amendments, also of the same character, were moved. Mr. T. Prakasam (Andhra) opposed strongly both the economic programme and the amendment and asked the House where their programme was leading them. He said they were confusing the issues and the proposition as it stood was nothing but "sovietism in disguise." He added he could not understand how anyone could compel zamindars to cut their rent. Concluding he said if the House passed the resolution, they would not be enhancing their prestige and would look ridiculous in public eyes. All amendments when put to vote failed and the original clause was adopted by an overwhelming majority.

At this stage the House adjourned till 3 p.m.

When it reassembled in the afternoon Mahatma Gandhi made the expected statement concerning his attendance at the Round Table Conference.

The Committee then resumed debate on the remaining clauses of the Working Committee's resolution on the fundamental rights and economic programme.

Article eight which read "Death duties on guaranteed scale shall be levied on property above a fixed minimum" was adopted.

#### MILITARY EXPENDITURE

Article nine read : "There shall be a drastic reduction in military expenditure so as to bring it down to at least one-half of the present scale."

Mr. Satyamurti (Tamil Nadu) moved an amendment that the following words be added before the clause "the policy of peace with neighbouring States will be pursued." A vast majority of his countrymen wanted to pursue a policy of peace with the neighbouring countries and as such his suggestion would be proper.

Pandit Jawaharlal said the addition of the words suggested by Mr. Satyamurti was unnecessary because no country says it was pursuing a policy of war with its neighbours.

There were two other amendments also but all were lost.

Article ten read : "Expenditure and salaries in civil departments shall be reduced. No servant of State other than specially employed experts and the like shall be paid above a certain fixed minimum which should not ordinarily exceed Rs. 500 per month."

Mr. Sarveswar Sastri (Andhra) moved that Rs. 1,000 be substituted in place of 500, his reasons being 500 would not induce proper persons to offer themselves for State work and such servants would be tempted to receive bribes. Mr. Kaleswar Rao (Andhra) seconded the amendment. Mr. Satyamurti further supported the amendment. The amendment was lost by 34 against 48.

Article eleven read : "No duty shall be levied on salt manufactured in India." It was adopted.

Article twelve read : "The State shall protect indigenous cloth and for this purpose pursue a policy of exclusion of foreign cloth and yarn from the country and adopt such other measures as may be found necessary against foreign competition." The article was adopted.



Article thirteen read : "Intoxicating drinks and drugs shall be totally prohibited except for medical purposes". It was adopted.

Article fourteen ran : "Currency and exchange shall be regulated in national interests."

Mr. Satyamurti wanted to have a clause as "The State shall have power to control the currency and exchange," but the amendment was lost.

#### CONTROL OF KEY INDUSTRIES

Article fifteen read : "The State shall own or control key industries and services, mineral resources, railways, shipping and other means of public transport."

Mr. Kaleswar Rao wanted to include the control of mountains, forests and water-works in the Article, but his amendment was lost.

Article sixteen : "Relief of agricultural indebtedness and control of usury direct or indirect," was adopted.

Article seventeen : "The State shall provide for military training of citizens so as to organise means of national defence apart from regular military forces." It was adopted.

Then all the seventeen Articles, excepting two, were adopted as recommended by the Working Committee. "The fundamental rights are applicable to all citizens, including States' subjects." This was moved as an additional article number eighteen, by Mr. Sharma. Mr. Satyamurti supported it, but on a special request from Gandhiji not to press the question, it was withdrawn.

#### 4. All-India Flag Day

The Committee then adopted a resolution calling upon all Congress organisations throughout India to celebrate 30th August as 'Flag Day' by hoisting the new National Flag.

#### 5. Disaffiliation of London Congress

After Gandhiji had made his statement regarding his going to London the Committee took up the discussion of Pandit Jawaharlal's statement on reasons for disaffiliating the London Branch of the Congress.

Mr. Satyamurti said, after having read the statement he still thought the All-India Congress Committee should not take the action suggested by the Working Committee in the absence of any explanation from the London Branch, regarding their conduct. He added it was constitutional for any branch to criticise the action of the parent bodies. He therefore moved the amendment that the contemplated action should not be taken.

After a great deal of discussion, the amendment was put to vote and lost by 22 against 40.

With this the official business was over and the Committee took up the discussion of a number of private resolutions tabled by the members.

At the suggestion of the President, the consideration of all private resolutions was deferred till the Working Committee had considered them.

Concluding the session, the President thanked all the members for their co-operation and all others who rendered assistance in making the session the success it was.

#### Personnel of Congress Delegation

Although Mr. Satyamurti withdrew his two motions regarding public debt and communal solution, he wanted an explanation from the Working Committee for its decision to send a sole delegate to the R. T. C. contrary to the Karachi resolution. He also wanted to tell Gandhiji that he should not make improvement of the condition of peasants a condition for his going to London as he thought they would not come within the truce terms and as such it would be improper if the Congress broke away a chance of settling the constitutional question. Referring to the Working Committee's decision to send a sole representative, he said the cause of the country would be better served by sending a delegation consisting of more than one.

Gandhiji, replying, said Mr. Satyamurti was speaking without going into the facts of the truce which clearly included the peasants of Gujerat and the United Provinces. All along his negotiations with the Government, this question has been taken as prominent as the peasants had taken a prominent part in the civil disobedience. Gandhiji therefore expressed the hope that Mr. Satyamurti would withdraw his

remarks. Mr. Satyamurti accordingly withdrew his remarks and apologised to Gandhiji for making such remarks regarding the delegation. He said the Working Committee had fully weighed the pros and cons of the question and decided upon the procedure. Gandhiji added if Mr. Satyamurti thought they were going to get their demands by argument, he was mistaken as most things at the Round Table Conference would be done behind the curtains and the whole thing would be stage-managed. Referring to Mr. Satyamurti's argument that various other interests were over-represented and therefore the Congress should have adequate representation, Gandhiji said that that was the very reason why they had decided upon a sole representative. Gandhiji added they could not settle such delicate questions by argument as days of argument had gone long ago, but things could be settled only by negotiations. For such delicate negotiations, Gandhiji maintained, a single representative was much better suited than a delegation and asked Mr. Satyamurti to have faith in their representative, and added if he had no faith in the capacity of one representative, he could not have better faith in a delegation consisting of more than one. Mr. Satyamurti thereupon said he dared not say after Gandhiji's lucid statement he was not convinced and even if he was not convinced, he would not say so and withdrew his objection.

## The Working Committee Proceedings

AHMEDABAD—Sth. To Itth. SEPTEMBER 1931

*The Working Committee met at the Gujarat Vidyapeeth, Ahmedabad from September 8 to 11, 1931. Sardar Vallabhbhai Patel presided and the following members were present:—Dr. M. A. Ansari, Sth. Jammulal Bajaj, Sgt. Rajendra Prasad, Sardar Sardul Singh Caveshar, Sgt. M. S. Anand, K. F. Narayan, Dr. Syed Mahmud, Sgt. Jaramdas Doulatram and Sgt. Lacharal Nehra.*

Syt. Abbas Tyabji and Dr. Pattabhi Sitaramayya were also present by special invitation.

The minutes of the last sessions of the Committee held in August 1931 were confirmed. The following resolutions were passed:—

### I—PRESIDENTIAL ELECTION

In view of the uncertainty of the political situation the Working Committee recommends that the time for the nomination and final election of the President of the next Congress be extended to November 15 and December 31 respectively.

### II—RATIFICATION OF PRESIDENT'S ACTION IN AN EMERGENCY

The Working Committee having considered the facts and circumstances that have arisen since it passed its resolutions on August 13, 1931 in Bombay deciding that the Congress should not participate in the Round Table Conference and in particular the agreement dated August 27 entered into by Mahatma Gandhi on behalf of the Congress, and representatives of the Government of India in Simla, as contained in the communicate issued by the Government and the letters attached thereto, and having heard the President thereon, confirms the said agreement, and further ratifies the action of the President, on behalf of the Committee, in an emergency which did not permit the calling of a meeting of the Committee in time to deal with the new situation that had arisen.

### III—WAGES AND WORKING HOURS OF TEXTILE WORKERS

In pursuance of the resolution of the Committee on Textile Mills and Treatment of Workers passed on August 13, 1931 the Committee authorises the Textile Mills Exemption Committee to ask such mills as are working more than 10 hours a day to adopt a ten hour day, and those mills which have reduced the wages of their operatives to restore these wages. In case of non-compliance with the request after due notice and opportunity have been given the Exemption Committee is further authorised to remove their names from the list of approved mills.

## IV—ORGANIZATION OF WOMEN VOLUNTEERS

The Working Committee having considered the report of the Member-in-Charge and Organising Secretary of the Seva Dal on the organisation of a Central Women's Volunteer organisation accept the recommendations made in the report that, pending the appointment of a Central Women's Committee or other arrangements being made a woman organiser be appointed to work in an advisory capacity on the lines suggested in the report. The Central Board is authorised to make this appointment and to take all other necessary steps in this behalf. Such organiser will act under the supervision of the Central Board.

## V—H. S. DAL BUDGET

The provisional budget of the Hindustani Seva Dal was placed before the Committee. It was *resolved* that the budget be reformed upto the end of December 1931 and presented again after charge has been taken over of the assets of the old Seva Dal. *Resolved* further that meanwhile the Member in Charge be authorised to draw up to Rs. 2,500 from the Treasurer.

## VI—TEXTILE MILLS EXEMPTION COMMITTEE

*Resolved* that the Textile Mills Exemption Committee be reconstituted and should consist of the following :—Shri Janabai Bajaj (Bombay), Shri Mathuradas Tricunji (Bombay), Shri Jawaharlal Nehru, Mrs. Saraladevi Ambalal (Ahmedabad), Shri Shankarlal Banker is appointed Secretary of the Committee.

## VII—PRESS BILL

While the Working Committee has all along opposed and condemned violence, it considers the Press bill now before the Assembly to be a drastic and wholly unwarranted measure in that it constitutes an extension of the penal law and an attack upon property and the liberty of the Press.

The Committee declares that the provisions of the bill are so wide and vague that "violence" may be made to comprise any act or activity on the part of the public, and has good reasons for its apprehensions in view of the interpretation put upon the word by the Government in the matter of the truce prisoners still in jail.

Further the Working Committee looks upon the proposed measure as a re-enactment of the Press Ordinance of last year in a much more expanded form and therefore considers it a war measure sought to be re-enacted during truce time and accordingly as a distinct breach of the Delhi Settlement.

## VIII—BREACHES OF SETTLEMENT

In case of Breaches of the Settlement on the part of Government officials or other matters of complaint, the President or the Secretary of the Provincial Congress Committee concerned should endeavour to obtain relief from the representatives of the local Government. In case relief is not forthcoming the matter should be referred to the President of the All-India Congress Committee.

Information in regard to all important matters should however be promptly sent by the Provincial Congress Committee to the All-India Congress Committee office at Ahmedabad.

## IX—GRANT FOR OVERSEAS WORK

*Resolved* that a monthly grant of Rs. 25 to Pandit Banarsidas Chaturvedi for Overseas work be sanctioned for six months.

## X—INDIAN COLLIERIES

Whereas Coal Mining is of great importance as a basic industry, essential for the development of the industrial life of the country in all directions, the Committee is of opinion that all possible encouragement should be extended to Indian enterprise in this field. The Committee, therefore, recommends to all industrial concerns in this country, particularly the Textile Mills, to confine their purchase of coal as far as possible to the produce of the Indian owned and managed collieries.

*Resolved* further that an authorised list of Indian owned and managed collieries, subscribing to the Congress conditions be prepared.

## XI—DECLARATION BY INDIAN COLLIERIES

*Resolved* that the Indian Mining Federation be requested to submit a list of Indian Collieries the proprietors or agents of which agree to fulfil the following conditions :

We hereby declare :—

(1) That we have full sympathy with the national aspirations of the people.  
(2) That not less than 75 per cent of the share capital of the company is held by Indians.

(3) That not less than 75 per cent of the Directors of the Company are, and will continue to be, Indians.

(4) That there is no foreign interest in the Managing Agents' firm.

(5) That the proprietors or partners of the Agents' firm are not interested in the import trade of foreign yarn or foreign piecegoods or of foreign coal of non-Swadeshi coal.

(6) That we will assist in the propagation of Swadeshi by refraining from exploiting in our own interest the situation arising out of the movement in respect of price or quality. We undertake to make available the produce of our mines at reasonable rates and not exceeding those that prevailed on or about September 11, 1931.

In pursuance of the above declaration we hereby undertake to do as follows :—

(1) No person connected with the management of the mills will engage himself in propaganda hostile to the national movement.

(2) Recruitment of staff will be restricted to Indians, except for special reasons.

(3) We shall pass as early as possible the insurance, banking and shipping business of our Company to Indian Companies.

(4) We shall henceforth employ, as far as possible, Indians as our Auditors, Solicitors, Shipping Agents, buying or selling brokers, contractors, or suppliers of goods required for our business.

(5) We shall purchase for our business, as far as possible, articles of Indian manufacture and will only buy such foreign articles as are indispensable and as cannot be replaced by Indian Swadeshi. (List of such articles as are indispensable is enclosed herewith).

(6) Persons connected with the management of our firm will wear Swadeshi cloth.

(7) We shall secure to the operatives of our mines a satisfactory scale of wages and satisfactory conditions of work and life.

(8) We undertake to supply every year the audited balance sheets of our mines to the Congress.

Name of the Company

address

Name of the Agents or Proprietors

## XII—ACCOUNTS COMMITTEE

*Resolved* that a committee consisting of Messrs. J. C. Kumarappa, C. H. Supariwalla and Kishorilal Mushrawalla be appointed to report on the method of keeping accounts by Congress Committees and the audit and inspection of such accounts. The committee will also suggest forms for the purpose of account keeping. Shri Kumarappa will act as the convener and the committee will send their report by the end of October, 1931.

DELHI—27th, TO 29th, OCTOBER 1931.

*The Working Committee met in Delhi on 27, 28 and 29 October. Sardar Vallabhbhai Patel presided and the following members were present : Dr. M. A. Ansari, Maulana Abul Kalam Azad, Shri Rajendra Prasad, Sardar Sardul Singh Caveeshar, Shri M. S. Anney, K. F. Nariman, Dr. Mohamad Alam, Dr. Syed Mahmud, Shri Naramdas Doulutram and Shri Jawaharlal Nehru.*

The following were also present by special invitation : Shri C. Rajagopalachari, Dr. Pattabhi Sitaramayya, Khan Abdul Ghaffar Khan, Shri Gopabandhu Choudhri and Shri Manilal Kothari, Shri Nirmal Chander Chauder, Shri T. C. Goswami,

and Shri T. A. K. Sherwani and Shri Purushottamdas Tandon were also present by invitation when the resolutions relating to Bengal and U. P. were considered.

The minutes of the last sessions of the Committee held from 8 to 11 September 1921, were confirmed. Audit and inspection reports of the following provinces were placed before the Committee : Ajmer, Delhi, Punjab, Assam, Bengal, Utkal and Andhra. The Accounts of the A. I. C. C. office for July, August and September were passed. The following resolutions were passed.

#### I—AWARD IN BENGAL ELECTION DISPUTE

The Working Committee records the report and award dated September 25, 1931 on the Bengal disputes of Shri M. S. Aney.

The Committee thanks Shri Aney for his services in this connection and for bringing about a settlement between the parties.

In pursuance of the settlement Shri M. S. Aney is appointed to supervise the ensuing general elections in Bengal to be held in accordance with the terms of the award.

#### II—PROVINCIAL CONTRIBUTION

Resolved that the A. I. C. C. members of provinces that have not paid the annual contribution due to the A. I. C. C. shall not be permitted to take part in the meetings of the A. I. C. C. and that the defaulting Provincial Congress Committees be notified accordingly.

#### III—REV. OTTAMA'S VISIT TO CHINA

The Committee sanctioned Rs. 400 towards the expenses incurred by Rev. Ottama on his visit to China in 1929 to attend the state funeral of Dr. Sun Yat-sen on behalf of the Congress.

#### IV—TEXTILE MILLS COMMITTEE

The Textile Mills Committee's expenses of Rs. 538-1-0 upto 31-3-31 were sanctioned.

The Textile Mills Committee's budget for Rs. 570 for four months ending 31-12-31 was also sanctioned.

#### V—BAGHELKHAND DISTRICT

Resolved that Baghelkhand district at present included in the Ajmer Rajputana province be transferred to the C. P. Hindi province.

#### VI—AUDITING INSPECTOR

The Committee confirmed the appointment of Shri Radha Krishna Tewari as Auditing Inspector of the A. I. C. C. till the end of December 1931.

#### VII—CAWNPORE ENQUIRY COMMITTEE'S EXPENSES

The Committee sanctioned the Cawnpore Enquiry Committee's further expenses amounting to Rs. 518-9-6.

#### VIII—NEXT GENERAL ELECTIONS

In view of the fact that the last Congress elections were held only a few months ago and it is not desirable to hold fresh general elections so soon after the last elections, it is resolved that all local and provincial elections, except as provided for below, shall be postponed till such time after the Congress as may be notified hereafter. The members of the All-India Congress Committee however shall be freshly elected by all Provincial Congress Committees before January 31, 1932. Provided that in the case of Bengal, local and provincial elections, shall be held in accordance with Shri M. S. Aney's award; in the case of the Punjab local and provincial elections on the last occasion were largely based on arrangements between various groups; and in the case of North-West Frontier Province such local and provincial election shall be held so as to complete the process of reorganisation by the end of January, 1932.

#### IX—NEW TAXATION

The Working Committee is of opinion that the financial policy proposed by the Government of India in balancing its budget by imposing fresh and heavy taxes

during a time of great economic depression, instead of taking adequate measures to bring about a drastic reduction of expenditure long over-due, is a further proof of the urgent necessity for the immediate transference of the government to the Indian people themselves.

This Committee strongly protests in particular against the proposal to impose an additional duty on salt, as a breach of faith by the Government of India in regard to the implications in the Delhi Settlement, of a complete and early relief of the burden on the poor in this respect.

#### X—CURRENCY AND EXCHANGE POLICY

The Working Committee is of the opinion that the currency and exchange policy recently adopted by the Government of India in complete disregard of Indian opinion and at the behest of the British Government, linking the rupee to the pound sterling, instead of leaving it to find its own level in terms of gold, is conceived solely in the interests of Britain so as to provide, *inter alia*, a back door preference for British imports into India, and is calculated to work against the interests of the masses of India, inasmuch as it depletes the already too slender gold resources of this country and is bound to embarrass India both in regard to the early establishment of a Reserve Bank and the due settlement of her foreign obligations.

The Working Committee warns the British Government that the responsibility for pursuing such a selfish policy should rest entirely on its own shoulders and that the injurious results accruing to India therefrom would be duly taken into account in the settlement of financial obligations between India and England.

#### XI—CHITTAGONG

The Working Committee having considered the report of the non-official Committee of Enquiry on the happenings in the town and district of Chittagong on August 31 last and the three subsequent days records its severe condemnation of the local police and magistracy who, with the assistance of certain non-official Europeans and hooligans, inflicted terrible losses and indignities on innocent people in pursuance of a policy of terrorisation.

The Committee notes with satisfaction that there was in reality no communal strife in Chittagong inspite of deliberate efforts to create one by the employment of hooligans whose activities were intended to give the occurrences a communal colour.

The Committee is of opinion that the least that the Government of Bengal should do is to compensate those who have suffered, and to punish all those whose responsibility for the incidents is established.

#### XII—HILTI

The Working Committee records its deep sorrow at the tragedy of the Hilti Detention Camp for detenus, resulting in the death of two and injury to 20 detenus. The Committee, while awaiting the report of the Commission of enquiry appointed by Government before expressing its final opinion on these tragic occurrences, feels that the Government is specially responsible for the lives and well-being of unarmed men detained in custody by Government without trial, against whose detention the nation has for long protested; and callous disregard of this fundamental duty of Government must be met with punishment of those who are guilty.

#### XIII—ALLAHABAD DISTRICT CONGRESS COMMITTEE'S APPLICATION TO START SATYAGRAHA

The Committee has considered the statements of the Presidents of the United Provinces Provincial Congress Committee and the Allahabad District Congress Committee about the agrarian situation in the United Provinces and the resolution of the Allahabad District Congress Committee asking for permission to offer satyagraha as against the present agrarian policy of the United Provinces Government and, in particular, the oppressive collection of rent and revenue at a time when the agriculturists are unable to pay on account of acute economic depression.

The Committee realises that the agriculturists of the United Provinces have been subjected to a great deal of hardship and oppression, particularly in the course of the past five months, and that they have now to face a grave crisis. The Committee feels that it is the duty of the Congress to assist them in every possible way in removing the economic hardships they suffer from. In the opinion of the Com-

mittee however the question of defensive action should first be considered by the Provincial Congress Committee. The Committee therefore refers the application to the United Provinces Provincial Congress Committee and in the event of the Provincial Congress Committee being of opinion that it is a fit case for defensive satyagraha on the part of the agriculturists, in terms of the Simla Agreement dated August 27, this Committee authorises the President to consider the application and to give such decision on it as he may consider necessary.

### BOMBAY- 7th. & 8th. NOVEMBER 1931

*An emergent meeting of the Working Committee was held in Bombay on November 7 and 8, 1931. Sardar Vallabhbhai Patel presided and the following members were present: Seth Jamnaldas Bajaj, Shri M. S. Aiyar, Shri K. F. Nariman, Shri Jairamdas Doulatram and Shri Lacharlal Nehru.*

Shri Manilal Kothari and Shri Shankarlal Banker were also present by invitation.

The minutes of the last sessions of the Committee held on October 27, 28 and 29, 1931 were confirmed. Audit and inspection reports of Tamil Nad and Karnatak were placed before the Committee.

The report of the work of the Hindustani Seva Dal from August 10, 1931 to October 31, 1931, presented by the Central Board of the Dal, was also placed before the Committee.

### I—BUDGET SANCTIONS

In view of the large expenditure incurred in communicating the terms of the Delhi Settlement to Provincial Congress Committees by telegram, and the additional expenditure incurred by having another office of the All India Congress Committee at Ahmedabad, a further sum of Rs. 1,000 was sanctioned under the head of "Postage and telegrams", making the total under this head Rs. 2,500.

Under head "Miscellaneous," an additional Rs.250 was sanctioned making the total Rs.750.

*Resolved* further that the expenditure incurred in publications, including Bulletins, be transferred to "Publicity" and this head be renamed "Publications and Publicity."

### II—MAHATMA GANDHI'S FUTURE PROGRAMME

The Working Committee considered a cablegram from Gandhiji regarding his future programme. The Committee authorised the President to cable to him to the effect that his further continuance in the Round Table Conference appeared to them to be unnecessary, but in view of various facts and circumstances which were better known to him, as he was on the spot, the Committee left the final decision to him; further Gandhiji's attention was to be drawn to the rapidly worsening situation in Bengal, the Frontier Province, the United Provinces and elsewhere. The Committee were of opinion that Gandhiji's early return to India was desirable and a long continental tour would be inadvisable.

### III—BENGAL SITUATION

The Working Committee having now considered the report of the official Inquiry Committee into the Hijli Detention Camp tragedy find that the charges made against the Government of Bengal and the officials of the camp have been in the main substantiated; that the administration of the camp was incompetent and careless of precious human lives, and the responsibility for the tragedy must largely rest with the high officials whose gross mismanagement was responsible for the camp staff acting in a spirit of vindictiveness; that the Government of Bengal showed callous disregard of the truth and deliberately published communiques which have been shown to be false. The Committee trust that those who have been found guilty will be adequately dealt with and full compensation will be given to the sufferers.

The Committee are of opinion that the Hijli and Chittagong occurrences have demonstrated the incompetence and inhumanity of Government officials. Instead of rooting out the causes of discontent and releasing the detainees and following a policy in consonance with the Delhi truce and with the attempts being made to bring about peace between India and England, the Government have pursued a terrorist

policy in Bengal and have now added a new ordinance to their armoury of repression which gives free scope to the police to arrest and detain without trial anyone they choose. The Committee realise that these powers of arrest are being grossly abused and no one in Bengal is free from their application.

The Committee realise that these occurrences have deeply moved the people of India, and particularly of Bengal, and have given them great provocation. But the Committee wish to warn all concerned not to be led away from the path of non-violence in spite of any provocation that might be offered. The Committee greatly regret and condemn the recent violent attempts made on the lives of Messrs. Durno and Villiers and wish to emphasise that public violence on the part of the people can only hinder the nation in its march to freedom.

The Committee fully appreciate the gravity of the situation in Bengal and earnestly appeal that the people of that province and of India will not allow themselves to be deflected from the right path but will organise themselves and keep ready for united and effective action.

#### VI - GANDHI WEEK

The Committee offer their congratulations to the general public as also the various Congress and other organisations for the wholehearted and gratifying response they have accorded to the appeal issued by the President of the Congress in connection with the celebration of the 'Gandhi Week' by readily taking up the stocks of khadi that had accumulated in the various parts of the country. The Committee express their thanks to Svt. Manilal Kothari for his tireless efforts in making the celebration of the 'Gandhi Week' a signal success. The Committee trust that the people will make every endeavour to create and maintain a steady and ample demand for khadi by restricting their purchase to hand-spun and hand-woven cloth so as to enable the Spinners' Associations and the various khadi organisations to offer the much needed supplementary work to the village population on a continuous and adequate basis.

#### V - WARNING AGAINST SPURIOUS KHADI

The attention of the Committee having been drawn to the great harm that is done to the cause of khadi by some dealers in swadeshi cloth passing off coarse cloth not made from hand-spun yarn as khadi, the Committee consider it necessary to express their strong disapproval of such practices and urge upon all dealers in swadeshi cloth to help the khadi movement by refraining strictly from selling as khadi such cloth as is not certified by the A. I. S. A. The Committee request all Congress organisations and Boycott Committees to arrange for necessary vigilance so as to eliminate completely the sale of spurious khadi from swadeshi shops.

*BOMBAY—29th DEC. 1931 to 1st JANUARY 1932*

#### Tentative Plans for Civil Disobedience

In view of the situation created by the Ordinances the Congress Working Committee reassembled at Bombay on the 29th December and continued its deliberations till the 1st January and passed the following resolutions:—

The Working Committee has heard Mahatma Gandhi's account of his visit to the West and considered the situation created by the extraordinary Ordinances promulgated in Bengal, the United Provinces and the Frontier Province and by the actions of the authorities including the numerous arrests made, among these of Khan Abdul Ghaffar Khan, Mr. Sherwani and Pandit Jawaharlal, and by the shooting in the Frontier Province of innocent men resulting in many deaths and many more being injured. The Working Committee has also seen the telegram from the Viceroy in reply to the telegram sent by Mahatma Gandhi to him. The Working Committee is of opinion that these several acts and others of lesser gravity that have taken in some other provinces and the telegram from his Excellency the Viceroy seem to make further co-operation with the Government on the part of the Congress utterly impossible unless the Government policy is radically changed; these acts and the telegrams betray no intention on the part of the bureaucracy to hand over power to the people and are calculated to demoralise the nation. They also betray want of faith in the Congress, from which co-operation was expected by the Government.

The Working Committee yields to no one in its abhorrence of terrorism on any account whatsoever, whether resorted to by individuals such as recently witnessed



in Bengal, but it condemns with equal force the terrorism practised by the Government as evidenced by its recent acts and ordinances.

#### NO JUSTIFICATION FOR ORDINANCES

The Working Committee marks the deep national humiliation over the assassination committed by two girls in Comilla and is firmly convinced that such a crime does great harm to the nation, specially when, through its greatest political mouthpiece, the Congress, it is pledged to non-violence for achieving Swaraj. But the Working Committee can see no justification, whatsoever, for the Bengal Ordinance which seeks to punish the whole people for the crime of a few. The real remedy lies in dealing with the known cause that prompts such crimes. If the Bengal Ordinance has no justification for its existence the ordinances in the United Provinces and the Frontier Province have still less. The Working Committee is of opinion that in the arrest and imprisonment of Mr. Tasadduq Ahmed Khan Sherwani and Pandit Jawaharlal Nehru, who were proceeding to Bombay to confer with Mahatma Gandhi, the Government have gone even beyond the limits contemplated by the ordinance in that there was no question, whatsoever, of these gentlemen taking part in Bombay in the no-tax campaign in the United Provinces.

The committee considers that on the Government's own showing there appears to be no warrant for either the promulgation of the ordinances, or the arrest and imprisonment without trial of Khan Abdul Gaffar Khan and his co-workers. The committee regards the shooting in the province as a wanton and inhuman act and congratulates the men of the Frontier upon their courage and endurance, and the committee has no doubt that if the Frontier people retain a non-violent spirit despite grave provocations, they would materially advance the cause of India's independence.

The committee calls upon the Government of India to institute a public and impartial enquiry into the events leading to the ordinances, the necessity of superseding the ordinary courts of law and legislative machinery and the necessity of the several acts committed thereunder and thereafter. If a proper enquiry is set up and all facilities are given to the committee for the production of evidence, it will be prepared to assist the enquiry by leading evidence before it.

#### PREMIER'S DECLARATION UNSATISFACTORY

The committee regards the Premier's declaration as wholly unsatisfactory and inadequate in terms of the Congress demand and opines that nothing short of complete independence carrying full control of defence with such safeguards as may be demonstrably necessary in the interest of the nation can be regarded by the Congress as satisfactory.

The committee notes that the British Government was not prepared to regard the Congress at the Round Table Conference as entitled to speak on behalf of the nation as a whole. At the same time the committee recognises with sorrow that communal harmony could not be attained at the said conference. The committee invites the nation, therefore, to make a ceaseless effort to demonstrate the capacity of the Congress to represent the nation as a whole and promote an atmosphere that would make a constitution framed on a purely national basis acceptable to the various communities composing the nation.

Meanwhile the committee is prepared to tender co-operation to the Government provided the Viceroy reconsiders today's telegram of Mahatma Gandhi and adequate relief is granted in respect of the ordinances and its recent acts, free scope is left to the Congress in any future further negotiations and consultations to prosecute the Congress claim for complete independence and the administration of the country is carried on in consultation with popular representatives, pending the attainment of such independence.

#### CIVIL DISOBEDIENCE PLAN

The absence of any satisfactory response from the Government in terms of the foregoing paragraph, the Working Committee will regard as an indication on the part of the Government that it has reduced the Delhi pact to a nullity. In the event of a satisfactory response not forthcoming, the committee calls upon the nation to resume civil disobedience under the following conditions and illustrative heads :

No province or district or tehsil or village is bound to take up civil disobedience unless the people thereof understand the non-violent nature of the struggle with

all its implications and are ready to undergo sufferings involving loss of life and property. Nonviolence must be observed in thought, word and deed in the face of the gravest provocation, it being understood that the campaign is not one of seeking revenge or inflicting injuries on the oppressor but is one of converting him through self-suffering and self-purification.

Social boycott with the intention of inflicting injury on Government officers, police or anti-nationalists should not be undertaken and is wholly inconsistent with the spirit of non-violence.

It should be borne in mind that non-violent campaigns are independent of pecuniary assistance. Therefore there should be no hired volunteers but their bare maintenance and the maintenance of the dependents of poor men and women who might have been imprisoned or killed is permissible, wherever it is possible.

Boycott of all foreign cloth, whether of British or other countries is obligatory under all circumstances. All Congressmen and women are expected to use hand-spun and handwoven Khaddar to the exclusion of even all cloth manufactured in indigenous mills.

Picketing of liquor shops and foreign cloth shops should be vigorously conducted chiefly by women but always so as to ensure perfect non-violence.

The unlicensed manufacture and collection of salt should be resumed.

If processions and demonstrations are organised only these should join them who will stand *lathi* charges or bullets without moving from their respective places.

Even in a non-violent war boycott of goods manufactured by the oppressor is perfectly lawful inasmuch as it is never the duty of a victim to promote or retain commercial relations with the oppressor. Therefore, boycott of British goods and British concerns should be resumed and vigorously prosecuted.

Civil breach of non-moral laws and of laws and orders injurious to the people wherever it is considered possible and advisable may be practised.

All important orders issued under the Ordinances may civilly be disobeyed.

#### APPEAL TO WORLD OPINION

The committee then further discussed a resolution drawing the attention of other nations of the world to the situation in India, particularly to the governance of the country by Ordinances and urging them in the name of liberty and justice to intervene in Indian affairs.

(1) A non-violent and righteous movement depends for its success upon gathering round it the strength of public opinion. This public opinion of the world, the Working Committee gratefully acknowledges, is being slowly but surely drawn in, in an ever-increasing degree towards India's fight for national independence. On the eve of fresh ordeal whereto the nation has been summoned, the Working Committee invites the free peoples of the world and their Governments to watch and study the progress of the movement and, if they are convinced of the justness of the unique means adopted by the Congress for reaching the national goal, to give to the movement their enlightened support in a greater and more effective measure than heretofore. In the opinion of the Working Committee the non-violent method adopted by the Congress gives it worldwide importance and if the method becomes demonstrably successful, it is likely to furnish an effective moral equivalent for war and thus make a lasting contribution to the progress of humanity groaning under the deadweight of armaments.

#### FOREIGN CLOTH BOYCOTT

(2) The Working Committee appeals to all foreign cloth-merchants that it is now high time that they gave up their foreign cloth trade. They must recognise that trade in foreign cloth is opposed to the best interests of the nation and that their full-hearted cooperation with the nation is sure to lessen the sufferings of the people inasmuch as foreign cloth trade is a powerful factor in tightening the foreign yoke and in further impoverishing the peasantry which lives in a state of chronic distress.

#### MILLS' CO-OPERATION INVITED

(3) The Working Committee trusts that the owners, agents and shareholders for the indigenous mills will give their unstinted support to the nation in the ordeal whereto the Working Committee has invited it and, therefore, hopes that they will not exploit the struggle for multiplying profits or for damaging the khaddar movement by competing with it whether by spinning or weaving no. (?) counts or by selling their manufactures under the name of khadi.

## ASSURANCE TO ZEMINDARS

The committee passed another resolution assuring the zemindars that there was no design on interests legitimately acquired and appealing to the landed and monied classes to help the Congress.

## PUBLIC ASKED TO FOREGO SOME AMENITY

The Working Committee, also, resolved appealing to the public to decrease the consumption of articles whereon customs duties are payable and, also, to reduce the use of State service such as railways, and posts and telegraphs because that would not only decrease individual expenditure in these hard times but in the case of goods covered by the customs will encourage Swadeshi.

## The Gandhi-Willingdon Correspondence

The following is the text of the telegraphic correspondence that passed between Mahatma Gandhi and the Viceroy :—

### Mahatma's Wire to Viceroy

On Dec. 29 Mahatma Gandhi wired to the Viceroy as follows :

I was not prepared on landing yesterday to find the Frontier and U. P. Ordinances, shootings in the Frontier and the arrests of valued comrades in both, on the top of the Bengal Ordinance awaiting me. I do not know whether I am to regard these as an indication that friendly relations between us are closed or whether you expect me still to see you and receive guidance from you as to the course I am to pursue in advising the Congress. I would esteem a wire in reply.

### The Viceroy's Reply

The reply from the private secretary to the Viceroy dated Dec. 31 was as follows :—

His Excellency desires me to thank you for your telegram of Dec. 29 in which you refer to the Bengal and United Provinces and N. W. F. Provinces Ordinances.

In regard to Bengal it has been and is necessary for the Government to take all possible measures to prevent dastardly assassinations of their officers and of private citizens. His Excellency wishes me to say that he and his Government desire to have friendly relations with all political parties and with all sections of the public and in particular to secure the co-operation of all in the great work of constitutional reforms which they are determined to push forward with the minimum of delay. Co-operation, however, must be mutual and his Excellency and his Government cannot reconcile the activities of the Congress in the United Provinces and the N. W. F. Provinces with the spirit of frank co-operation which the good of India demands.

As regards the United Provinces you are doubtless aware that while the local Government were engaged in devising means to give all possible relief in the existing situation, the Provincial Congress Committee authorised a no-rent campaign which is now being vigorously pursued by Congress organisations in that province. This action on the part of Congress bodies has compelled the Government to take measures to prevent a general state of disorder and the spreading of class and communal hatred which the campaign, if continued unchecked, would inevitably involve.

In the North-West Frontier Province Khan Abdul Gaffar Khan and the bodies he controlled have been continuously engaged in activities against Government and in fomenting racial hatred. He and his friends have persistently refused all overtures by the Chief Commissioner to secure their co-operation and rejecting the declaration of the Prime Minister have declared in favour of complete independence.

Khan Abdul Ghaffar Khan delivered numerous speeches open to no other construction than as incitement to revolution and his adherents attempted to stir up trouble in the tribal areas. The Chief Commissioner with the approval of his Excellency's Government has shown the utmost forbearance and to the last moment continued his efforts to secure the assistance of Khan Abdul Ghaffar Khan for carrying into effect with the least possible delay the intentions of his Majesty's Government regarding the constitutional reforms in the province. The Government refrained from taking special measures until the activities of Khan Abdul Ghaffar Khan and his associates, and in particular the open and intensive preparation for an early conflict with the Government, created a situation of such a grave menace to the peace of the province and of the tribal area as to make it impossible to further delay action.

His Excellency understands that Khan Abdul Ghaffar Khan was in August last made responsible for leading the Congress movement in the province and that the volunteer organisations he controlled were specifically recognised by the All-India Congress Committee as Congress organisations. His Excellency desires me to make it clear that his responsibilities for peace and order make it impossible for him to have any dealing with persons or organisations upon whom rests the responsibility for the activities above outlined.

You have yourself been absent from India on business of the Round Table Conference and in the light of the attitude which you have observed there, his Excellency is unwilling to believe that you have personally any share in the responsibility for, or that you approve of the recent activities of the Congress in the United Provinces and in the North-West Frontier. If this is so he is willing to see you and to give you his views as to the way in which you can best exert your influence to maintain the spirit of co-operation which animated the proceedings of the Round Table Conference. But his Excellency feels bound to emphasise that he will not be prepared to discuss with you the measures which the Government of India with the full approval of his Majesty's Government have found it necessary to adopt in Bengal, the United Provinces and the North-West Frontier Province. These measures must in any case be kept in force until they have served the purpose for which they were imposed, namely, the preservation of law and order essential to good government.

On receipt of your reply his Excellency proposes to publish this correspondence.

#### **Mahatma's Rejoinder**

The following is Mahatma Gandhi's rejoinder to the Viceroy's reply dated 1st January 1931:—

I thank his Excellency for his wire in reply to mine of Dec. 29. It grieves me, for his Excellency has rejected in a manner hardly befitting his high position, the advance made in the friendliest spirit. I had approached as a seeker wanting light on questions wherein I desired to understand the Government version of the very serious and extraordinary measures to which I made reference.

Instead of appreciating my advance his Excellency has rejected it by asking me to repudiate my valued colleagues in advance and telling me that even if I became guilty of such a dishonourable conduct and sought an interview I could not even discuss these matters of vital importance to the nation. In my opinion the constitutional issue dwindles into insignificance in face of the ordinances and acts which must, if not met with stubborn resistance, end in the utter demoralisation of the nation. I hope no self-respecting Indian will run the risk of killing the national spirit for the doubtful contingency of securing the construction, to work which no nation with a stamina may be left.

Let me also point out that as to the Frontier Province your telegram contains a narration of facts which on the face of them furnish no warrant for the arrests of popular leaders, the passing of an extra-legal ordinance making life and property utterly insecure, and shooting unarmed peaceful crowds for daring to demonstrate against the arrests of their trusted leaders. If Khan Sahab Abdul Ghaffar Khan asserted the right of complete independence, it was a natural claim and a claim made with impunity by the Congress at Lahore in 1929, and by me with energy put before the British Government in London. Moreover, let me remind the Viceroy that despite the knowledge on the Government's part that the Congress mandate contained such a claim I was invited to attend the London Conference as the Congress delegate.

Nor am I able to detect in the mere refusal to attend the durbar an offence warranting summary imprisonment. If the Khan Sahib was fomenting racial hatred it was undoubtedly regrettable. I have his own declarations to the contrary made to me, but assuming that he did foment racial hatred, he was entitled to open trial where he could have defended himself against the accusation.

Regarding the United Provinces, his Excellency is surely misinformed because there was no no-rent campaign authorised by the Congress but whilst negotiations were proceeding between the Government and the Congress representatives, the time for the collection of rents actually arrived and rents began to be demanded. Congressmen were, therefore, obliged to advise the tenants to suspend payment pending the result of the negotiations and Mr. T. A. S. Sherwani had offered on behalf of the Congress to withdraw this advice, if the authorities on their own initiative suspended collections pending negotiations. I venture to suggest that this is not a matter which can be summarily dismissed as your wire has done. The controversy in the United Provinces is of long standing and involves the well-being of millions of peasantry known to be economically ground down. Any Government jealous of the welfare of the masses in its charge would welcome the voluntary co-operation of a body like the Congress which admittedly exercise great influence over the masses and whose one ambition is to serve them faithfully. And let me add that I regard the withholding of payment of taxes as an inalienable, ancient and natural right of people who have exhausted all other means of seeking freedom from an unbearable economic burden. I must repudiate the suggestion that the Congress has the slightest desire to promote disorder in any shape or form.

As to Bengal the Congress is at one with the Government in condemning assassinations and co-operate with the Government in measures that may be found necessary to stamp out such crimes. But whilst the Congress would condemn in unmeasured terms the methods of terrorism, it must resist within the limits of its prescribed creed of non-violence such measures of legalised Government terrorism as are betrayed by the Bengal Ordinance and acts done thereunder.

I heartily assent to the proposition laid down in your telegram that co-operation must be mutual. But your telegram leads me irresistibly to the conclusion that his Excellency demands co-operation from the Congress without returning any on behalf of the Government. I can read in no other way his peremptory refusal to discuss these matters which, as I have endeavoured to show, have at least two sides. The popular side I have put as I understand it, but before committing myself to a definite judgment I was anxious to understand the other side that is the Government side, and then tender my advice to the Congress.

With reference to the last para of your telegram I may not repudiate the moral liability for the actions of my colleagues whether in the Frontier province or the United Provinces, but I confess that I was quite ignorant of the detailed actions and activities of my colleagues whilst I was absent from India, and it was because it was necessary for me to advise and guide the Working Committee of the Congress and in order to complete my knowledge that I sought with an open mind and with the best of intentions an interview with his Excellency and deliberately asked for his guidance. I cannot conceal from his Excellency my opinion that the reply he has condescended to send was hardly a return for my friendly and well-meant approach.

If it is not yet too late I would ask his Excellency to reconsider his decision and see me as a friend without imposing any conditions whatsoever as to the scope or subject of discussion and I on my part can promise that I would study with an open mind all the facts that he might put before me. I would unhesitatingly and willingly go to the respective provinces and with the aid of the authorities study both sides of the question and if I came to the conclusion after such study that the people were wrong and that the Working Committee including myself were misled as to the correct position and that the Government were right I should have no hesitation whatsoever in making that open confession and guiding the Congress accordingly.

Along with my desire and willingness to co-operate with the Government I must place my limitations before his Excellency. Non-violence is my absolute creed. I believe that civil disobedience is not only the natural right of people especially when they have no effective voice in their own Government but it also is an effective substitute for violence or armed rebellion. I can never, therefore, deny my

creed. In pursuance thereof and on the strength of uncontradicted reports supported by the recent activities of the Government of India to the effect that there may be no other opportunity for me to guide the public, the Working Committee has accepted my advice and passed a resolution tentatively sketching the plan of Civil Disobedience. I am sending herewith the text of the resolution. If his Excellency thinks it worth while to see me, the operation of the resolution will be suspended pending our discussion in the hope that it may result in the resolution being finally given up.

I admit the correspondence between his Excellency and myself is of such grave importance as not to brook delay in publication. I am, therefore, sending my telegram and your reply with this rejoinder and the Working Committee's resolution for publication.

#### **Viceroy's Rejects Mahatma's request**

The private secretary to the Viceroy telegraphed as follows to Mahatma Gandhi, dated *2nd January*:-

His Excellency desires me to acknowledge the receipt of your telegram of the 1st. January which has been considered by him and his Government. They much regret to observe that under your advice the Working Committee of the Congress has passed resolutions which involve the general revival of Civil Disobedience unless certain conditions are satisfied which are stated in your telegram and the resolutions. They regard this attitude as the more deplorable in view of the declared intention of his Majesty's Government of India to expedite the policy of constitutional reform contained in the Prime Minister's statement.

No Government consistently with the discharge of their responsibility can be subject to conditions sought to be imposed under the menace of unlawful action by any political organization, nor can the Government of India accept the position implied in your telegram, that their policy should be dependent on the judgment of yourself as to the necessity of the measures which the Government have taken after the most careful and thorough consideration of the facts and after all other possible remedies had been exhausted.

His Excellency and his Government can hardly believe that you or the Working Committee contemplate that his Excellency can invite you with the hope of any advantage to an interview held under the threat of the resumption of civil disobedience. They must hold you and the Congress responsible for all consequences that may ensue from the action which the Congress have announced their intention of taking and to meet which the Government will take all necessary measures.

#### **Mahatma's Last Message to Viceroy**

Mahatma Gandhi replied as follows to the Viceroy's telegram on the *3rd. January*:-

"Thanks for your wire. I cannot help expressing deep regret for decision of his Excellency and his Government. Surely it is wrong to describe honest expression of opinion as threat. May I remind Government that Delhi negotiations were opened and carried on whilst civil disobedience was on and that when pact was made civil resistance was not given up, but only discontinued? This position was reasserted and accepted by his Excellency and his Government in Simla last August prior to my departure for London. Although I had made it clear that under certain circumstances Congress might have to resume civil disobedience, Government did not break off negotiations. That it was made clear by Government that civil disobedience carried with it penalty for disobedience merely proves what civil resisters bargain for, but does not in any way affect my argument. Had Government resented my attitude it was open to them not to send me to London. On the contrary, my departure had his Excellency's blessings. Nor is it fair or correct to suggest that I have ever advanced the claim that any policy of Government should be dependent on my judgment. But I do submit that any popular and constitutional Government would always welcome and sympathetically consider suggestions made by public bodies and their representatives and assist them with all available information about their acts or Ordinances of which public opinion may disapprove.

"I claim that my messages have no other meaning than what is suggested in last paragraph. Time alone will show whose position was justified. Meanwhile I wish to assure the Government that every endeavour will be made on the part of Congress to carry on struggle without malice and in strictly non-violent manner. It was hardly necessary to remind me that the Congress and I, its humble representative, are responsible for all consequences of our actions."

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## Mahatma's Home Coming---The Historic Week

28th. December 1931 to 4th. January 1932

The following article from the pen of Sj. Mahadeo Desai is reproduced from the "Young India" :—

28 December : Arrive in Bombay. The first news given to Gandhiji is that of the arrest of Pt. Jawaharlal Nehru and shootings on the Frontier. Warm reception at the pier and scenes of unprecedented enthusiastic reception by crowds who dotted the whole route to Manibhuvan, Gandhiji's Bombay home. In the evening Gandhiji addressed a meeting at Azad Maidan, described by the semi-official organ the *Evening News of India* as biggest meeting ever held in Bombay, and the most peaceful and orderly.

In his speech Gandhiji welcomes the news of Pt. Jawaharlal's and Mr. Sherwani's arrest, of Khan Abdul Gaffar Khan's deportation, and of the shootings on the Frontier of unarmed crowds as the most fitting Christmas boxes that Lord Willingdon could send him. He condemns as reprehensible the murder of a Bengal Magistrate by two girls and also condemns as unbefitting of any civilised Government the ordinance in Bengal which was calculated to emasculate a whole province. The U. P. and the Frontier ordinances were, if anything, even worse and he declares that he could see in the atmosphere no sign to justify the hopes for peace that he had been nursing. But he does not, he cannot in the nature of things, advise Satyagraha, without exploring all the avenues still open to him. He warns the people however that if the campaign has to be resumed it would be a much more terrible ordeal for the people. 'Bullets, this time, instead of or in addition to lathis. Be ready to offer yourselves willing sacrifices on the altar of freedom. Pledge yourselves to go through the utmost suffering and also to refrain from the least little injury to any one.

At 10 P. M. Gandhiji addressed a meeting under the auspices of the Welfare of India League. Narrates in the course of his speech pleasant experiences in London, but regrets that instead of finding an echo of them in India he finds himself face to face with grim reality—an ordinance in the Frontier Province "for which there is no parallel whatsoever, an inhuman piece of legislation, if it can be called by the name of legislation." He had not yet heard that the penalty for defiance of an order was bullets, except when the defiance was violent. Pt. Jawaharlal had postponed the Provincial Conference pending Gandhiji's arrival and was actually leaving the area of his activities to attend the meeting of the Working Committee of which he is General Secretary and to meet Gandhiji but he is arrested. He had pledged himself to so many British friends that he was going to try his level best to avenues of co-operation, but he confessed the events left little hope for co-operation, unless he had lost all sense of self-respect and rewrite the history of the last 45 years of his life. He found himself in impenetrable darkness. How could he hope to succeed when there was utter distrust of the Congress.

If the Congress had done anything immoral, unclean, violent or secret he would understand distrust of it. But when it was an open organisation pledged to non-violence and truth and when it always believed in placing all the cards on the table and was yet distrusted, it must wander in the wilderness and allow itself to be crushed to atoms.

Questions asked by Englishmen at the meeting indicate their hope that the ordinances may be withdrawn if Gandhiji could hold out any hope of co-operation.

Gandhiji said it would certainly remove a block in the way and make atmosphere more favourable.

'Would you not visit the Provinces and meet officials before you condemn these ordinances?' is another question.

'May I tell you' said Gandhiji, 'that I tried thrice last year to visit the Frontier Province and failed? After the truce I asked Lord Irwin if I might do so. I wanted to co-operate fully and so I would not only have his permission but encouragement. But he said 'no'. Then I pleaded with Lord Willingdon twice, but again failed. Lord Irwin felt that my presence there would create a ferment. Lord Willingdon felt very much the same. If you like I shall try it a fourth time, but if any of you have the ear of Government, I would ask them to be my attorneys and obtain Government's permission, for I do not like to commit Civil Disobedience if I am ordered not to go. For I do not want to start Civil Disobedience at the wrong end. I would start it at the right end and put Government in the wrong.'

'But how would you deal with seditious organisations subversive of Law and Order?'

'Sedition is an elastic term, but even if you mean by 'subversive' organisations wanting to usurp the power of Government, they should not be dealt with under ordinances. Do you know the Government is fast estranging even its supporters by these ordinances. They may verbally say 'yes', 'yes', but they really mean 'no', 'no'. But you want me to think of Bengal and say what I want to do to stop assassinations. No society should tolerate assassinations I admit. But does it mean, therefore, that all suspects are to be treated as assassins? Why, I would ask, are there assassinations in Bengal and in no other province? I would go to the root cause of the disease rather than deal with the symptoms in a haphazard way. I will tell you, you will not stamp out assassination by ordinances. Two mad girls assassinated an innocent magistrate. They had drunk deep of the poison of hate and exaggeration, but beneath it all there is a substratum of truth which would demerit not only unsophisticated girls in Bengal but any one in any province. I yield to no Englishman in condemning violence and would go with them any length to stamp it out in a humane manner, but never in the manner of General Dyer. Do you expect to hammer out a constitution in this atmosphere of ordinances? It is a forlorn hope. It does not redound to the credit of Englishmen to rule by ordinances nor to the credit of India to be ruled by them. I am quite prepared to make a heroic effort to stamp out terrorism, but it is no use asking me to do so on Government terms.'

'I landed,' he said concluding the speech at about midnight, 'in the hope that I shall find out ways and means of tendering co-operation but when I find that at every step there is a huge boulder, what am I to do? I am dying to find those ways and means, but see not a ray of hope. In a state as the present, people believing in violence would rise up in armed rebellion, but what are people pledged to non-violence to do? Their only remedy is nonviolent disobedience. I want every Englishman and Englishwoman to search their hearts in these days of Christmas.'

*29th December* : Addresses girls of the Women's branch of the Hindusthan Seva Dal. Implores them to do penance for the crime committed by the Bengali girls. 'I see no bravery about their deed. It was a wicked and cowardly act. Bravery consists in laying down one's life, not in taking an innocent life.'

Meeting of the Working Committee. With its approval Gandhiji sends a friendly telegram to the Viceroy asking for an interview and guidance. (Text elsewhere)

*30th December* : Meeting of the Working Committee. Gives them a detailed account of his work in England and listens to representative workers from Bengal and U. P.

Visits ailing friends, and reminds his staff that before actual arrest or round up comes, they should hasten to fulfil their obligations, one of them being to send best English lever watches to the English detective officers who accompanied him throughout his sojourn in England and Europe.

*31st December* : The reply from the Viceroy arrives,—not from the Viceroy but from his private secretary (Text elsewhere).

Gandhiji sits down to draft a reply and submits it to the Working Committee at about 11 P. M. After fullest discussion the Working Committee adopts it. The telegram is released for publication at 2 A. M.



*1st January:* Consternation in every quarter. Even the usual loyalists are considerably agitated over what by common consent is a spurning of a peace offer by Government and deputations of different bodies wait on Gandhiji.

An English friend told me that he was ashamed of the Viceroy's reply and that he knew that his feeling was shared by many.

Another English friend who was disgusted with the condition laid down in the Viceroy's telegram that Gandhiji might come but not to discuss the ordinances said: 'What then was Gandhiji to go there for? To play marbles with Lord Willingdon?'

The response from the people is amazing. Representatives from almost all the important merchants' associations in Bombay see Gandhiji to discuss the future programme and how best they could help the work of the Congress. Though they are not Congressmen, they dare not withdraw their sympathy, for the work of the Congress which appeals to them irresistibly and the Viceroy's insulting and ungentlemanly reply has hurt them too most deeply.

The prayer gatherings go on swelling like a snowball with the result that lest the terrace of the Maubhavan and the stairs should come down with a crash, Gandhiji suggests an open space for the prayer. The vast compound of the Lady Northcote Hindu orphanage is kindly offered by the trustees and both the prayers are attended by thousands of people.

*2nd January:* Deputations continue to wait on Gandhiji. Gandhiji sends telegrams to Dr Sapru and Sjt. Jayakar to acquaint them with the situation. Dr. Sapru hopes that Gandhiji might yet see the Viceroy—how and under what conditions he does not stop to discuss.

The Welfare of India League, where the withdrawal of the Ordinances was discussed as a possibility the other night, feel that they must send a telegram to the Viceroy deploring the attitude of the Viceroy rendering it impossible for Gandhiji to have an interview with the Viceroy. A deputation of their Council wait on Gandhiji who thus unbosoms himself before them:—

"My telegram was in a studiously courteous language and in the friendliest tone. My friends objected to the word "guidance" but I pleaded with them and got them to agree. You will see that the Viceroy has placed himself completely in the wrong. And arguing about the ordinances was the wrong way of going about the thing. He forgot that I had not approached him as an ordinary citizen, but one who had constant dealings with him and one with whom he had to discuss the future plans as to how best to help in the R. T. C. work. It is irrelevant for him to say that I could not discuss the ordinance. The second condition is insulting viz. that I must repudiate my colleagues. The fact is that Government has over-reached itself. It is not Lord Willingdon's language. It has been drafted for him. It is a terrible affair that Government of India should act in this light-hearted fashion though they know that any error may lead to a terrible situation arising in this country. If you are convinced that Government of India have committed a grave error in repelling my advances and in banging the door in my face, then you should move heaven and earth to compel Government of India to reconsider their decision and see me as a friend without putting any conditions. But why should I have got the Working Committee to pass a tentative resolution, you will ask. 'Is it not that you want to go with a loaded pistol? No, because the Government of India knew that the Congress was an institution with Civil Disobedience for its creed. The Congress had done enough to lead the country and Government to believe that in no connection with a movement for redress of wrongs the Congress would not advice an armed rebellion but a non-violent disobedience. Evidently they overlook the fact that Civil Disobedience had become a permissible thing. In the Delhi Pact Civil Disobedience was not given up, it was only discontinued during the truce. In Simla, when our final letters were exchanged—letters which were published as part of the Second Settlement—I said in my letters that if all steps fail, we reserve to ourselves the right of Civil Disobedience. Government's reply finally banging the door is thus a direct breach of the Delhi Pact and of the Simla Pact to which Lord Willingdon was party. You have thus got to see the enormity of the error in which Government of India have been betrayed. I therefore suggest to you that you follow your telegram by further action and go over to the side of the Congress if a simple thing like an interview cannot be granted.

"It grieves me to find the suggestion being made that I was overborne by my extremist colleagues. I am the arch-extremist. I have not found colleagues who have given more loyal allegiance than has been given me during the last four days. There has been no goading on the part of my colleagues, and all resolutions and telegrams have been drafted by me. They have accepted me as an expert in these matters and left the whole field open to me. We discussed for a long time and the sense was that we may pass the tentative resolution, but not publish it. It was I who said 'no'. If I suppressed it, I would be unfair to the Viceroy and the nation. Having passed the resolution, I said the Viceroy must be placed in possession of the full facts. They agreed. My colleagues are not wedded to Civil Disobedience nor to Non-violence in the sense that I am. It is not a be-all and end-all with them as with me. But there was no course open to me. A man to whom it is open to declare an armed rebellion may parley, but a man who has no such alternative—how can he parley? That is what has happened, for civil disobedience is my creed, how can I give it up? That is why, though I am miserly in expending national money, I paid for the full text of the resolution being telegraphed along with my reply.

"The way to follow out your telegram is not to send me to the Viceroy but to see the Viceroy yourselves. All you have got to tell him is that when you are about to embark on a big constitutional advance it should be absurd for the head of a State to refuse to see a public man."

The Deputation after hearing (Gandhiji) authorised their president to send another telegram assuring the Viceroy that (Gandhiji) had an entirely open mind and that it was all the more necessary that he should have an opportunity of fully discussing the situation with His Excellency.

There are rumours of impending arrests of leaders at any moment. As we were sitting discussing things untill about midnight, the *Associated Press* was good enough to convey by telephone contents of the Viceroy's reply to Gandhiji's reply. (Full text arrived actually at 2 A. M.). But Gandhiji had no hesitation in dictating his own views to the A. P. I. interviewer who had anticipated the telegraph office. He remarked how the Viceroy had heaped error upon error instead of availing himself of the *locus poenitentiae* that Gandhiji had offered him, and expressed his amazement that the Viceroy had introduced an argument which was not germane to his repeated request for an interview. He exposes the hollowness of the Viceroy's excuse and calls upon the nation to respond to the challenge.

*3rd January* : At the four o'clock morning prayer delivers a stirring little message to the people which is as much a religious sermon as a call to the country in a unique crisis : "You have been my companions in these prayers for some days, and now that the struggle is resumed again and I may be taken away any moment, I hope you will continue to have your prayers regularly morning and evening. Let it become a daily obligatory ritual for you. Prayer plays a large part in a self-purificatory sacrifice and you will see that it will be a veritable cow of plenty for you, and will make your way clear. The more you apply yourselves to it, the more fearlessness you will experience in daily life, for fearlessness is a sign and symbol of self-purification. I do not know a man or a woman who was on the path of self-purification and was still obsessed by fear. Generally there are two kinds of fear in men's minds—fear of death and fear of loss of material possessions. A man of prayer and self-purification will shed the fear of death and embrace death as a boon companion and will regard all earthly possessions as fleeting and of no account. He will see that he has no right to possess wealth when misery and pauperism stalk the land and when there are millions who have to go without a meal. No power on earth can subdue a man who has shed these two fears. But for that purpose the prayer should be a thing of the heart and not a thing of outward demonstration. It must take us daily nearer to God, and a prayerful man is sure to have his heart's desire fulfilled, for the simple reason that he will never have an improper desire. Continue this ritual and you will shed lustre not only on your city but on our country. I hope this brief prayer of mine will find a lodgment in your hearts."

*3rd January* : Gandhiji had evidently no mind to send any further reply to the Viceroy and he sent a cable to Mr. Hoarbin of the Commonwealth of India League who had been kindly sending cables for having the truth about the situation. Gandhiji explained that Civil Disobedience was no new thing, and that the Govern-

ment excuse was hollow. "The fact is that Government cannot tolerate rising power of the Congress and consequent rise of the people's spirit."

Later in the morning he felt that he must send a final telegram to the Viceroy offering another *Locus Poenitentiae* if he would take it. (Text elsewhere).

Leading Liberals and leading merchants continue to come—Sir Purshottamdas, Sir Cowasji, Sjt. Jayakar, Sir Pheroze Sethna among them. The last entreats Sardar Vallabhbhai to persuade Gandhiji to postpone his departure. They were all in communication with the Viceroy and if the Viceroy permitted a deputation of them to wait on him, Gandhiji should be at their disposal for consultations. It was most pathetic. They did not seem to realise that it was no use knocking at the door of one who had barred and bolted it. But the Sardar agreed and Gandhiji postponed his departure.

*The day : 4th January* And it was good. Never gloat on other's failings or mistakes, but if these good friends gave the Viceroy to add one more blunder to the pile that he had already made how can one help it? They had counted without the government who had already completed their arrangements while these friends were arguing with them and imploring them.

The day was spent in giving these friends long, patient, eleven hour interviews, in giving messages to various bodies and organisations and in drafting a comprehensive resolution for the Indian Merchants Chamber of Commerce the members of which had stood solidly by him during these days of trial. A message was also given to the Indian Christians—followers of the Prince of Peace—through a representative who insisted that his word must reach the community before he was imprisoned.

But while he was forging these links of love, Government were busy forging their infernal chains for one whom no chains but those of love can bind.

And so like the thief in the night they came and stole the nation's idol away—the process being the same as last year, the weapon pressed into aid being the old rusty Regulation xxv of 1827 for removal of inconvenient persons without assignable reasons. That they had been ready was apparent from the lack of date on Mr. Maxwell's letter to the Police Chief.

The Police Chief asked for control of the telephone, stopped all egress from and ingress to Manibhuvan and began operations. Gandhiji was silent but smiled when Devadas woke him up with the news that the expected messengers had arrived. During the few minutes that he had at his disposal he wrote two brief messages—the first to the millhands in Ahmedabad and the second to the people of India through a note to Vallabhbhai who he did not know was under arrest the same time. The message for the nation was as brief as it was inspiring: "Infinite is God's mercy. Never swerve from truth and non-violence, never turn your back and sacrifice your lives and all to win Swaraj." Father Elwin was sitting close by. He addressed a few lines to all Englishmen through him:

"I am glad you have come. I would like you yourself to tell your countrymen (Englishmen) that I love them even as I love my own countrymen. I have never done anything towards them in hatred or malice, and, God willing, I shall never do anything in that manner in future.

"I am acting no differently towards them now from what I have done under similar circumstances towards my own kith and kin."

Some one suggested that he should break his silence as this was an extraordinary occasion. He has done so once or twice. One occasion I remember was when he had the news of his dearest comrade Maganlal Gandhi's death and he had to console his widow. But to-day's was no extraordinary occasion. It was more natural for him to march to and spend his time in Yeravada than to stay out. He had familiarised India long ago with Thoreau's dictum that under an unjust Government all self-respecting citizens could not live except in jail. And who has lived up to it more truly than he?

The hymn of the true Vaishnava which corresponds to the beatitudes—the true Vaishnava being the truly blessed man—was sung by all present who touched his feet to bid him farewell and receive his blessings. None was happier than he whose every breath and every movement is an act of consecration. Prayer, he had said the day before, takes one nearer to God. I am thankful that it was given to me to be the privileged witness of the truth in him during all the days of the sacred week.

# The Second Agreement—27th Aug. '31

## Mahatma, the Sole Congress Representative

As a result of conversations between Mahatma Gandhi and representatives of the Government of India at Simla, it was agreed that Gandhiji should proceed to London in order to attend the Round Table Conference, on behalf of the Congress, and Gandhiji sailed accordingly on August 29 from Bombay.

The agreement was published by the Government of India in an official communique to which were attached letters from Gandhiji to Mr. Emerson, Secretary, Home Department, Government of India, and from Mr. Emerson to Gandhiji. The letters were integral parts of the agreement. The text of the communique and the letters is given below :

### Official Communique

1. As a result of conversations between His Excellency the Viceroy and Mr. Gandhi, the Congress will now be represented by Mr. Gandhi at the Round Table Conference.

2. The settlement of March 5, 1931 remains operative. The Government of India and the Local Governments will secure the observance of the specific provisions of the Settlement in those cases, if any, in which a breach is established and will give their careful consideration to any presentation that may be made in this respect. The Congress will fulfil their obligations under the settlement.

3. In regard to collections of land revenue in the Surat District, the point in issue is whether in those villages of Bardoli Taluka and valod Mahal, which were visited by Revenue Officials, accompanied by a party of police, during the month of July 1931, more severe demands, having regard to their material circumstances, were made from revenue payers and enforced by coercion, exercised through the police, than were made from and met by revenue payers of other villages of the Bardoli Taluka. The Government of India in consultation and full agreement with the Government of Bombay have decided that an inquiry shall be held into this issue in accordance with the following terms of reference :—

"To inquire into the allegations that *Khatodars* in the villages in question, were compelled by means of coercion, exercised through the police, to pay revenue in excess of what would have been demanded if the standard had been applied, which was adopted in other villages of the Bardoli Taluka, where collections were affected after March 5, 1931, without the assistance of the police, and to ascertain what sum, if any, was so paid. Within the terms of reference evidence may be produced on any matter in dispute."

The Government of Bombay have appointed Mr. R. C. Gordon, I.C.S., Collector, Nasik, to hold the inquiry.

4. In regard to other matters hitherto raised by Congress, the Government of India and the Local Governments concerned are not prepared to order an enquiry.

5. In regard to any further matters of complaint by the Congress, not coming within the specific provisions of the Settlement, such complaints will be dealt with in accordance with the ordinary administrative procedure and practice, and if any question of an inquiry arises, the decision as to whether an inquiry shall be held and, if so, the form it shall take, will be made by the Local Government concerned in accordance with such procedure and practice.

### Gandhiji's Letter to Mr. Emerson

Letter from Mr. Gandhi to Mr. Emerson : Simla, August 27, 1931 :—

Dear Mr. Emerson,—I have to acknowledge with thanks your letter of even date, enclosing a new draft. Sir Cowasji has kindly also communicated to me the amendments suggested by you. My colleagues and I have very carefully considered the amended draft, which we are prepared to accept subject to the following remarks :—

In paragraph 4. it is not possible for me, on behalf of the Congress to subscribe to the position taken up by the Government. For, we feel that, where in the opinion of the Congress a grievance arising out of the working of the Settlement is not redressed, an inquiry is a necessity of the case, because of the fact that Civil Disobedience remains under suspension during the pendency of the Delhi Pact. But if the Government of India and Local Governments are not prepared to grant an inquiry, my colleagues and I have no objection to the clause remaining. The result will be, that whilst the Congress will not press for an inquiry, in regard to "the other matters hitherto raised" on its behalf, if unfortunately any grievance is so acutely felt that it becomes a paramount duty of the Congress to seek some method of relief, in the absence of an inquiry, in the shape of defensive direct action, the Congress should be held free to adopt such remedy, notwithstanding the suspension of civil disobedience.

I need hardly assure the Government that it would be the constant endeavour of the Congress to avoid direct action and to gain relief by discussion, persuasion, and the like. The statement of the Congress position given here has become necessary in order to avoid any possible misunderstanding in the future or a charge of breach of faith on the part of Congress. In the event of a successful issue to the present discussions, I assume that the *communiqué*, this letter, and your reply would be simultaneously published.

#### Mr. Emerson's Letter

Government of India, Home Department, Simla, August 27, 1931 :—

Dear Mr. Gandhi,—I write to thank you for your letter of to-day's date, in which you accept the draft *communiqué* subject to the observations contained in your letter. The Governor-General-in-Council has noted that it is not the intention of the Congress to press for any inquiry into those matters hitherto raised by them, but that while you give an assurance that it will be the constant endeavour of the Congress to avoid direct action, and to gain relief by discussion, persuasion, and the like, you wish to make clear the position of the Congress in regard to any future action that they may decide to take. I am to say that the Governor-General-in-Council shares your hope that no resort to direct action will be taken. In regard to the general position of Government, I am to refer you to the letter of His Excellency the Viceroy dated August 19 to your address. I am to say that the *communiqué*, your letter of to-day's date and this reply will be published simultaneously by Government.

## Congress Charges Against Government

On the 19th. August Mahatma Gandhi released the full text of the charge sheet prepared by him against the Government. The first clause deals with the Picketing of Liquor Shops. He says that in Madras picketing has been made futile as the police insist on volunteers standing at a distance of a hundred yards from the shops, thereby making the shops out of sight. He adds that there have been prosecution of peaceful picketers on faked charges, physical interference with picketing, assault on volunteers and seizure of their movables. There has been prosecution of peaceful picketers of liquor shops in Bombay, of defeating peaceful picketing by permitting the sale of liquor in unlicensed places and hours. He declares that the Bombay Government have defended these acts which adds insult to injury. Assaults on Picketers by Liquor Sellers have been connived at in Bengal.

The second clause deals with the pending prosecutions in Surat district. Private parties have voluntarily withdrawn the complaints. They have been egged on by the police to press the complaints.

The third clause refers to unreleased prisoners and leaders in different Provinces. The Bombay Government, in reply to representations regarding H. D. Rajah and Ratanji Dayaram, said that these two were guilty of incitement to violence.

In the fourth clause Mr. Gandhi deals with the fines not realised before the truce and says that in Bulsar, in Surat district, in five cases, people were asked to pay fines for having used land for non-agricultural purposes.

The fifth clause complains of punitive police at Chautala, in Hissar district, and at Naushara and Panam in Amritsar district not being withdrawn. The Navjivan Press has not yet been returned. Guns and gun licences for participation in the campaign have not been returned in several cases.

The seventh clause says that an Ashram in Bihar has been seized under Ordinance 9 and has not yet been restored. Certain lands in Karnatak have not been restored either except on an undertaking that the parties will not take part in any future movement. Regarding the sold lands certain purchasers intending to reconvey them to the original owners have been dissuaded from doing so by the police authorities in Surat district.

The next clause complains that for posts rendered vacant in the Bombay Presidency during the campaign, Patels & Mukhis who have been appointed for five years are being treated as permanently appointed. Several Talatis in Jalalpur, Kaira, have not been reinstated. Justice has not been shown in the cases of two deputy collectors and two medical men who resigned during the campaign.

Mr. Gandhi next gives cases of several others all over India who have not been shown Justice. Under the heading 'General Charge,' he says that in Surat nineteen lakhs of rupees out of twenty have been paid out of the current dues. Congress workers claim that they are responsible for the payments. Mr. Gandhi adds that to demand arrears or current dues now from those who plead inability is a breach of faith with workers and people. Congress workers had offered to re-examine the cases suspected by the authorities. What they resent is coercive processes, fines and display of police who surround the people's houses.

In the United Provinces Congress work as such is being attacked at various places and peaceful meetings have been dispersed. Mr. Gandhi gives details of the number of alleged attacks in different places in U. P. and next refers to the doings of the zemindars which he alleges had been occasioned by the connivance, if not at the instance, of Government officials who do not seem disposed to take note of their excesses. In several cases villages have been surrounded by zemindars' men and people threatened. In Rae Bareilly district there are several hundred cases where the amin, supported by the police, has terrorised the kisans and notices have been distributed among them, warning them that they will be liable to be prosecuted if they associate with particular Congressmen. There are similar reports from the districts of Fyzabad, Kheri, Fatchpur and Badaun, all telling the same woeful tale.

In Bengal and the Punjab workers doing peaceful and constructive work have been arrested.

In the N. W. F. P. there has been repression against Khudai Khidmatgars. In Malkand Agency Khudai Khidmatgars have been harassed in all sorts of ways. In Daulatpura Tahsil the zaildar, assisted by the frontier constabulary, collected all the volunteers who had not paid the revenue dues, shut them up in a room and any one who even uttered a word was beaten. The same thing was repeated in Jamto Bakayana. In Shabqadar two Khudai Khidmatgars were secured by holders of jagirs from the Government and were ordered to give up Congress work. On their refusal they were beaten. In Kohat the president of the local Congress Committee, while touring Hangu with volunteers, was stopped near Shinvari by the police and fired at. The shot missed him. While returning the party was hooted and stoned and finally, charged with lathis. Copies of the May issue of Abdul Gaffar Khan's magazine, which is devoted purely to the cause of social reform, have been held up by the postal authorities without any reason being given. Under section 144 all meetings and processions have been prohibited in the illaqa of Khalil and Mohmand in Tahsil Peshawar because the men have been civil resisters.

Mr. Gandhi makes the gravest charges of mal-treatment of women in villages in various districts of the United Provinces by agents of landlords in the course of collection of rents. He adds that ostensibly the doings of the landlords are occasioned by the connivance, if not at the instance, of Government officials, who do not seem to take note of excesses. It is alleged that in one village no one was allowed to draw water from any well until a part payment was made. In another place tenants were made to stand in the burning sun. In North-West Frontier Province a landlord, assisted by the Frontier Constabulary, collected all the "red shirts" volunteers, who did not pay the land revenue and shut up six of them in a room

full of hornets and set off the hornets thereon by means of smoke. When these volunteers were let out, their faces were terribly swollen. They were asked to sell their wives to pay the revenue dues. In another Frontier village the landlords caught hold of the "red shirts" who had been unable to pay the land revenue and made them to sit in sun with their hands tied together behind backs. Anyone uttering even a word was beaten with butt-end of rifles as a result of which one old man collapsed. In yet another place when the red-shirts refused to give up Congress work two zamindars, who held gift-lands from Government, assaulted the volunteers in the presence of the police officer. One of them was made to lie in the hot sun and secured in that position by a tight string and humiliated in a certain manner, which the Pathans consider an insult only short of death.

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## The Government Counter-Charge

The following important statement was issued by the Government of India from Simla on the 23rd August :—

"When Mr. Gandhi visited Simla about the middle of July he gave to the Secretary to the Government of India, Home Department, two lists of complaints. The first related to alleged instances in which specific provisions of the Settlement had not been observed by the Government, while the second list contained complaints of a general character which did not relate to breaches of specific provisions of the Settlement, but which purported to show that the Local Governments were pursuing a policy of oppression against the Congress and its members.

"Mr. Gandhi was assured that the facts would be ascertained from the Local Governments with as little delay as possible and that the Government of India, in consultation with the Local Governments, could secure observance of the Settlement in any case in which it was established that a breach of the Settlement had occurred.

"In accordance with this assurance, the lists were communicated immediately to the Local Governments, who were asked to report facts. The replies of Local Governments on practically all matters of complaint have been received, and since Mr. Gandhi has published the lists of complaints, the Government of India consider it proper that the facts so far ascertained should also be published. They believe that the contents of the two attached schedules will enable the public to form a correct estimate of the justification for complaints that have been made against the Local Government.

### REPLIES FROM THE LOCAL GOVERNMENTS

The statement then proceeds to set forth in a columnar form the complaints made by Mr. Gandhi and the replies thereto received from the Local Governments. The total number of complaints dealt with the majority of which are of a local and comparatively trivial importance in themselves, is 79.

The first schedule deals with the alleged instances of specific breaches of the Settlement and the second with general complaints made by Mr. Gandhi.

The following is a summary of the more important items treated in the first schedule.

#### CASE OF MADRAS

As regards the Madras Presidency Mr. Gandhi complained that the officers were circularized in July to the effect that peaceful picketing of liquor shops did not include picketing of "abkari" sales.

The Local Government replies that the settlement merely lays down that picketing is not illegal in itself and consequently is not illegal, if resorted to at toddy sales. The picketing of consumption of liquor may be resorted to, provided lawful methods are used. If illegal methods are employed or disorder ensues or is likely, the matter must be dealt with under the ordinary law.

Mr. Gandhi complained that Section 144 was applied against the members of Tanjore Bar for picketing liquor shop sales. The Government replies that the allegation is entirely without foundation.

Mr. Gandhi complained that peaceful picketers had been prosecuted on faked charges. The Government remarks that the allegation is unsupported by any specific instances and that none have come to their notice, except one or two cases brought by private persons, which have been found to be false and have been promptly dropped.

Mr. Gandhi complained of physical interference with picketing. The Government replies that the allegation is vague, and so far as it is general is false. The only instance of the use of force on the part of the police brought to their notice was in Coimbatore, where light canes were employed to move on a large crowd, and no complaint of violence was made to the District Magistrate.

#### IN BOMBAY

As regards the Bombay Presidency, Mr. Gandhi complained that peaceful picketing was defeated by permitting the sale of liquor at unlicensed house. The Local Government replies that this appear to be true only in Ahmedabad, where picketing is organised by labour unions which made no secret of their policy to ascertain the names of the customers and secure their dismissal from work. The number of extra selling places allowed is now being reduced.

Mr. Gandhi complained that the charge brought by a private party against one Ratanji Dayaram was instigated by the police and that Dayaram's action was described as violence. The Government replies that Dayaram deliberately burnt his tenant's crop in order that the revenue due to the Government should not be paid and that such conduct precluded him from the benefit of amnesty.

#### "NAUJIWAN" PRESS

Mr. Gandhi complained that the "Naujiwan" Press had not be returned. The Government replies that the delay was not due to the dispute about the obligation of the Government to return it, but about the question whether it should be returned at Bombay or at Ahmedabad. It had been taken to Bombay for sale by the Government during the Civil Disobedience movement. The Government were advised that the Settlement justified its delivery at Bombay. The Government have actually returned it at Ahmedabad.

Mr. Gandhi complained that the Patels and Mukhis in Gujerat who were appointed for five years or until further orders were being treated as permanently appointed. The Government replies that the appointment, until further orders, have only been confirmed where there was a definite promise of confirmation on satisfactory conduct. As regards the appointments for 5 years these were substantive. Mr. Gandhi contends that such appointments should be regarded as temporary and the former incumbents reinstated. The Government replies that under Paragraph 19 of the Settlement each case is to be decided on its merits, the principle being that the vested rights of third parties should not be disturbed and that this principle precludes dismissal without reason before the expiry of 5 years of the officer who has been appointed for that period.

#### STUDENTS RUSTICATED

Mr. Gandhi complained that children in Ahmedabad have been permanently rusticated from Government and aided schools for taking part in the Civil Disobedience Movement. The Government replies that no breach of the Settlement is involved, since it contained no provision for readmission of students.

The circular issued by the Educational Inspector that the girls concerned should not be admitted to any recognised schools has, however, been ordered to be withdrawn, and if any circular was issued with regard to boys it will be withdrawn also.

Mr. Gandhi made a similar complaint with regard to the students at Akola and said that a boy's scholarship had been forfeited. The Government replies that such students as have applied for re-admission have obtained it. As regards the scholarship which is a Government one whose tenure is conditional on good conduct, it remains forfeited for the time being, since the boy concerned was convicted for offences connected with the Civil Disobedience movement. He has, however, been readmitted to the school.



## IN UNITED PROVINCES

As regards the United Provinces Mr. Gandhi complained that students seeking admission to educational institutions are asked to give undertakings not to take part in the future political campaign. The Local Government replies that no breach of the Settlement is here involved and that the only undertaking required of exploited students seeking readmission was that they would abide by the disciplinary rules of the institution.

## IN THE PUNJAB

As regards the Punjab, there are three complaints, two relating to the postings of additional police and one relating to non-restoration of a pension. In regard to the first two, additional police were posted in village because the crime during the first 8 months of 1930 was treble the amount reported in any of the previous three years. There was a dangerous factional feeling in the village and also an aggressive agitation. In the second case, the inhabitants of the village were responsible in two years for 41 serious cases of crime, including burglary, theft, kidnapping, rape, cheating, illegal possession of arms and no less than 7 murders. In neither case is any breach of the Settlement involved.

The restoration of pensions is not covered by the Settlement and the particular case cited gave no ground for administrative action.

## IN BIHAR AND ORISSA

As regards Bihar and Orissa, Mr. Gandhi complained that peaceful picketers of liquor shops have been molested and prosecuted. The Government replies that it is difficult to deal with vague charges of this kind and that there is no reason to believe that prosecutions have been started against peaceful picketers who have not infringed the law.

The general result of the replies of the Local Governments to these allegations of specific breaches of the Settlement is that many complaints do not come within the scope of the Settlement at all. In many other cases the facts show that there has been no breach of the Settlement. In two or three cases breaches of the Settlement have been established and have been repaired by the Local Governments. In other charges, the Government have gone out of their way to take liberal administrative action outside the scope of Settlement.

The general conclusion is to establish the contention of the Government that they have done their utmost honourably to observe the Settlement, and that the instances to the contrary are so few and of such a trivial character as to show the hollowness of the Congress charges.

## GENERAL CHARGE:-

The second schedule of the statement, consisting of general complaints made by Mr. Gandhi concerning incidents which are not claimed to constitute specific breaches of the Settlement and of the Government replies thereto opens with items connected with the collection of land revenue in Bardoli.

Mr. Gandhi's contention briefly is that those who joined the Civil Disobedience Movement should receive special consideration because of the losses they suffered in consequence thereof; and secondly, that revenue has been collected by coercion exercised by the police.

The reply of the Government is as follows:

It cannot be admitted that to demand arrears or current year's dues from those who plead inability is a breach of faith with the workers and the people. Inability must be proved and not merely pleaded. The suggestion that unauthorised arrears deserve at least the same treatment as authorised arrears this year, has no force. Authorised arrears only exist when the crops, on account of which they are due, were whole or partial failures and the cultivators would not afford to pay their dues at the usual season. Unauthorised arrears in Bardoli exist, not because the crops failed but because the cultivators refused to pay their land revenue as a part of the Civil Disobedience campaign. The question whether any particular individual can or cannot pay owing to losses of any kind is a matter for investigation in each case.

In Bardoli, there has only been one attachment of property in connection with the realisation of revenue. The fact that the Collector has had regard to deserving cases is shown by the circumstances that he has suspended land revenue collections to the extent of about Rs. 18,000 and granted remissions to the extent of about Rs.

1,900. The Police were not used directly for the collection of land revenue, but they were taken only to a few villages which the revenue officers were afraid to visit, for the purpose of collection of land revenue, without the support of the police. In case of a disturbance their duties were confined to protecting the persons of the Mamlatdar or the principal Revenue Officer at the village, to guarding a house in a case in which attachment proceedings were undertaken, and in some cases to accompanying the inferior village servants when sent to call a defaulter.

#### RAIDS IN U. P.

As regards the United Provinces, several complaints are made. Mr. Gandhi asserted that on May 20th, the police raided the houses of practically all the Congress workers in Bajhari in Muttra District, insulted the women, tore and burnt national flags, arrested 11 people and cooked up entirely false evidence against them.

The Local Government replied that the police were sent to arrest the men suspected of a dacoity. No complaint against the conduct of the police was made at the time. Later, a youth of 19 filed a complaint, which was found to be baseless and dismissed, and the Secretary of the District Congress Committee also made allegations in a letter but refused to substantiate them on oath before a Magistrate.

Mr. Gandhi complained that at Rayah Rahimatullah, a Congress volunteer was beaten with shoes by the police on July 10th and that 53 prosecutions of Congress workers, including almost all the office-bearers of Muttra District, were in progress. The Government replies that no complaint of the alleged shoe-beating incident has ever been reported to local officers, that only 5 Congress workers appear to have been prosecuted and that the total of 53 mentioned by Mr. Gandhi includes 18 suspected dacoits and 16 persons alleged to have been concerned in brick-throwing during the Muharram festival.

#### BARA BANKI INCIDENTS

Mr. Gandhi complained of various alleged incidents in Bara Banki, including a report that on June 7, the Deputy Commissioner went to Padra, got Gandhi caps removed and induced the people to sign a declaration that they had no connection with the Congress.

The Government replies that the Deputy Commissioner visited the village to investigate a complaint by zemindars that their lives were in danger and that existence was rendered intolerable by the rigid boycott enforced by the Congress volunteers. The allegations were found to be correct. The zemindars' servants had been compelled by threats to life and property to leave their employment. The cattle were not watered or fed and the services of the watermen and sweepers were withdrawn. The zamindars were besieged in their houses at night and fines were levied on any who showed himself well disposed to them.

The Deputy Commissioner issued an order that boycott must cease under the pain of imposition of punitive police on the village. No Gandhi caps were removed, nor was any declaration signed.

Mr. Gandhi complained that in Babraich District, Congress workers were arrested and convicted under the pretext of private complaints of Chaukidars, zemindars and their agents. The Government replies that this is entirely untrue.

#### NO ILL-TREATMENT TO WOMEN

Mr. Gandhi complained that at Simaria village, in Gonda district, "Thakedars" ill-treated women who were stripped naked and had sticks thrust into their private parts, and that 19 men were prosecuted for using force against the "Thakedars" men.

The Government remarks that the village referred to is presumably Semri and that the allegations are entirely untrue.

As regards Punjab, Mr. Gandhi complained that numerous arrests had been made in Karnal District on pretexts held to be false. The Government replies that since March 5th there have been 7 arrests in this District for offences connected with sedition. Four were for abetment of murder, two for speeches advocating violence, and one for resisting arrest by lawful authority. One of these cases has now come before the High Court on appeal and the sentence of 3 years' rigorous imprisonment was upheld.

#### AMRITSAR INCIDENT DENIED

Mr. Gandhi complained that opposite the Sarhali police station, Amritsar, the District Police Inspector abused Congress leaders and severely beat the Congress

doctor. The Government replies that enquiries shew that there is no foundation whatever for this statement.

As regards Assam, Mr. Gandhi complained that one H. R. Das was asked to show cause why his pension should not be forfeited for having supported the Congress resolution at Karachi. The Government replies that the reason for the action against Das is not as stated, but that as a Government pensioner he had indulged in undesirable political activities despite warnings, and had made a speech in April glorifying Bhagat Singh and other murderers, and that nothing in the settlement relates to the restoration or withdrawal of pensions.

#### IN THE FRONTIER

As regards the Frontier Provinces, Mr. Gandhi complained that Tahsildars of the Malakand Agency told certain people who were undergoing confinement that they would be released if they would consent to shoot the Khud-i-Khidmatgars. They were further told that they could obtain release, if they would catch hold of a many Khuda-i-Khidmatgars as possible and release them after exacting Rs. 200 from each of them. He further alleged that one Abdullajan Zaidar of Batagram, assisted by the Frontier Constabulary, collected all the volunteers who had not paid up their revenue dues and shut up 6 of them in a room, full of hornets, and set the hornets on them by making smoke in the room, and when they were let out their faces were awfully swollen owing to 'hornets' stings. They were told by the son of Abdullajan to go and sell their wives to pay up their revenue.

Mr. Gandhi also complained that on June 27th Abdullajan and his party caught hold of such Khud-i-Khidmatgars as had been unable to pay up land revenue and made them sit in the hot sun with their hands tied together behind their backs. Anyone who uttered a word was beaten with the butt-ends of rifles.

#### "PURE FICTION"

The Government replies that all these allegations are pure fictions.

Mr. Gandhi complained that the President of the Congress Committee of Kohat, while touring in the Hangu side with his volunteers was stopped near Shinovari by a levy of police and fired at. The shot missed him. While returning the party were hooted and stoned and finally subjected to a lathi charge.

The Government replies that in the course of a village tour, certain Congress leaders of Kohat District, accompanied by a party of "Red Shirts" and a crowd of about 200 people, attempted on 25th June, 1931, to enter a Shinwari village in order to hold a public meeting. They had made similar attempts earlier in the month, but the leading Malik of the village had succeeded in persuading the leaders to go away on this occasion. The crowd persisted in advancing on the village in spite of the exhortations of the Malik that they should not enter the village. The Malik accordingly dispersed the crowd. There is no evidence that any shot was fired. The only injuries caused were slight scratches received by three "Red Shirts."

#### BAN ON MEETINGS

Mr. Gandhi complained that all meetings and processions have been prohibited in the elaga of the Khil and Mohamand and in the Tahsil of Peshawar. The Government replies that in view of the demonstrations that have been taking place on the Bara Road, for instance, the molestation of a despatch rider and the attempted hold up of a British Officer on the Kohat Road, and in view of the increasing disorderly nature of the processions on the road, the Deputy Commissioner of Peshawar was authorised to issue and order prohibiting meetings, processions and demonstrations except purely religious purposes, in the Peshawar and Nowshera sub-divisions along an area of 4 miles on each side of the Grand Trunk Road from Attock to Peshawar, for a period of two months.

The general result of the replies to this class of complaints is to show that a number of them is entirely without foundation. In many others, the facts are grossly misrepresented or exaggerated. In others, where local officers had to take action, it was because of the activities of the Congress workers, which either brought them within the scope of the law or were such as necessitated preventive measures under the law in order to maintain law and order.

It is admitted that no breach of the Settlement was involved and the replies prove the fact that such action as had to be taken was not in excess of the requirements.

**Proceedings of**

**THE COUNCIL OF STATE**

**THE LEGISLATIVE ASSEMBLY**

**AND**

**PROVINCIAL COUNCILS**

**July—December 1931**



# THE COUNCIL OF STATE

**President :—Sir Henry Moncrieff-smith**

There was a thin attendance when the September session of the Council of State commenced at Simla on the 15th. September 1931. After formal business the house adjourned till the next day, the 16th. September when *non-official resolutions* figured on the agenda paper.

## EXCHANGE RATIO

*Lala Jagdish Prasad* moved a resolution asking Government to revise the exchange policy by stabilising it at 16d. The mover said that the 18d. ratio had been a drain on the country's resources. The position had been getting worse during the last few months and the Government had to resort to artificial methods of borrowing money at high rates in order to maintain it. The agriculturist had been very badly hit and to-day there was no market for his produce and his land and cattle were passing out of his hands. He urged that in the interests of the cultivator who was the backbone of the Government they should revert to the 16d. ratio.

*Lala Ramsaran Das* felt that the Government should have reduced their demand of land revenue etc. by 12½ per cent. after the 18d. ratio. He claimed that foreign investors had benefited to the extent of 50 crores by the new ratio.

*Mr. Denning*, finance secretary, in a well-reasoned speech held that the question of ratio had been discussed *ad nauseum* in the legislature and on public platform during the last few years. The Finance Member had on many occasions stated clearly the policy of the Government and the reasons for the adoption of that policy and the Viceroy in his speech on Monday indicated clearly that this policy was unchanged. 'I will, however, state the position quite shortly. Under the Currency Act of 1927 the Government have definite obligation to maintain the exchange value of the rupee at 1s. 6d. and they wanted to use all resources at their command to implement this obligation. Not only this but his Majesty's Government have also promised financial assistance if necessary and I should like to bring specifically to the notice of the House the statement by the Prime Minister in this connection in the last week of June.

"It will not be possible to introduce the proposed constitutional changes if financial stability is not assured and his Majesty's Government are determined not to allow the state of affairs to arise which might jeopardise financial stability and good government of India for which the Secretary of State for India at present is responsible. They have therefore decided that should need arise they will apply to Parliament for authority necessary to enable them to give financial support under suitable conditions to the Government of India for the purpose of maintaining the credit of the country pending a settlement of the constitutional problem and formulation of provisions which will ensure the maintenance of India's credit in future."

The significance of this statement is two-fold. In the first place, his Majesty's Government have promised that if necessity arises they will ask Parliamentary authority for giving financial support to India. Necessity has not yet arisen and we hope it will never arise as it would be far better for India to get through her present troubles without outside assistance. But the promise of backing from his Majesty's Government if properly appreciated should be very valuable in establishing confidence necessary for India to emerge successfully from the present depression. The second significant point in this statement is that it will not be possible to introduce the proposed constitutional changes if financial stability is not assured."

Proceeding, *Mr. Denning* said that the resolution before the House proposed that they should depart deliberately from financial stability and he doubted if the mover realised fully the effects of his proposal. He wanted to know if the House was prepared to face deliberately all difficulties and dangers involved in unstable currency. With the example of Germany before them it was almost inconceivable that India should deliberately abandon that stability of currency which other nations were making such effort to maintain. The speaker claimed that depreciation of currency was no solution of the difficulties with which the whole world was at present faced. He

recognised fully that fall in prices had hit the agriculturist in India very hard but he asked the House to remember that the agriculturist in India was suffering in common with the primary producer in every country of the world. He admitted that exchange at 1s. 4d. would raise prices by about 12½ centum but so it would the prices of everything which the agriculturist had to buy. Mr. Denning concluded that if the expedient of raising internal prices by depreciating the value of currency was adopted, India would have to face all consequences of loss of her credit which in the end might prove disastrous to the country as a whole.

After Lala Jagadish Prashad had replied the resolution was lost by 9 votes to 23.

#### COMMERCE DEPARTMENT IN PROVINCES

*Mr. Jagannath Pandit* moving a resolution for the establishment of a commerce department in the provinces said that the commerce of India was hopelessly disorganised and foreign trade was in the hands of outsiders who drained the country's resources and closed the avenues of employment to the sons of the soil.

The resolution was withdrawn.

#### RAILWAY BUDGET

*Mr. Hussain Imam* by another resolution urged for the presentation of the railway budget in the Simla session of the legislature as he opined that it would make the September session more interesting and give more time for discussion of that part of the budget.

The resolution was withdrawn.

#### INDIAN RESIDENTS IN BURMA

*Mr. Narayanswami Chetty* by another resolution wanted the Government to take immediate steps to effectively safeguard Indian residents in Burma.

The resolution was withdrawn and the Council rose till September 21.

#### INDIAN AIR SERVICE

**21st SEPTEMBER:—***Chaudhry Mahomed Din* moved a resolution urging that steps be taken for an early beginning of the operations of the Indian Air Services between Karachi, Delhi and Calcutta and for the subsequent development of auxiliary air routes with a view to extend its benefits to other cities and districts of India.

The speaker said that the interests at economy would not be properly served by suspending all activities for the development of civil aviation.

*Sir Joseph Blore* opposing the resolution said that the Government had entire sympathy with the motion. They had already spent 70 lakhs of rupees on ground and other organisations connected with the scheme which they had hoped to inaugurate by the end of 1932. By a provision in the current budget the Government had hoped to some of their intentions into practice. But the state of the finances of the Government of India made it absolutely impossible to give effect to the resolution. He, however, assured the House that when the material resources of the Government improved they would carry out the scheme in full.

The resolution was withdrawn.

#### SCALE OF GOVT. OFFICERS' SALARIES

*Saiyid Hussain Imam* next moved a resolution asking the Government to appoint a commission to revise the scale of pay and allowances of the Government of India's officers. The speaker said that the scale of the salaries of Government officers was out of proportion to the income of the country and compared unfavourably with other parts of the world.

*Mr. Suhrawardy* opposing the resolution characterised it as premature and mischievous.

*Mr. Emerson* (Home Secretary) said that the question had received and was receiving the closest consideration of the Government of India who, however, were not prepared to follow the method proposed by the mover. In the first place the Government felt that the situation brooked no delay while the commission would cause considerable delay. For it would take time to frame a report, have it considered by the Government and get their decisions on it. Secondly, the Government were anxious not to incur any unnecessary expenditure at present while the commission would cost a good deal of money when the same objective could be achieved other-

wine. Thirdly, different retrenchment committees would have covered most of the ground suggested to be explored by the commission.

Mr. Emerson added that the Central Legislature was very fully represented on these retrenchment committees and the Government were very anxious to effect the utmost economy in their expenditure. They were, however, unable to accept the resolution.

Mr. Hussain Imam wanted the Government to state if their proposals for reduction in salaries would be laid before the current session of the Legislature.

Mr. Emerson said that he was not in a position to make an announcement on the subject. The resolution was withdrawn.

#### LOCATION OF INDIAN SANDHURST

Sardar Jayannath Maharaj Pandit moved his resolution recommending to Government that the Indian Sandhurst be preferably situated at Satara. He said in choosing Dehra Dun, the Government would be ignoring the claims and convenience of a very large portion of the country and its population. The Indian Sandhurst should be located in the southern Maratha country which was practically at the centre of the Indian continent south of the river Narmada.

The Commander-in-Chief informed the House that he had personally visited the possible sites for the location of the Sandhurst and on return to Simla had held a meeting of the military council. This meeting had formed a small expert committee which had toured the three possible sites for the Sandhurst and had submitted their report only last week. This report would be considered by the military council next week and till their decision was known he was unable to announce any decision, either on behalf of the military or the Government.

#### FLAG FOR BRITISH INDIA

Mr. K. V. Rangaswamy Ayyangar moved the next resolution urging the appointment of a committee to design a flag for British India with a view to the introduction of a bill giving statutory recognition to it. The speaker said every Dominion in the British Empire, as also everyone of the small nations of the world had a flag of its own and it was high time that the Government of India took early steps to have a flag for British India also.

Mr. Emerson said the principle of the resolution had the full sympathy of Government, but the question was whether the time was ripe for taking a step in that direction. The House knew that a new constitution was still in the making and they did not know what form it would take. If it was a federal constitution the flag for India would be the flag for federal India and not for British India also. The federal flag would require consultation with the federal units which did not for the present exist. The Home Secretary said a committee of the kind could only be appointed in response to a demand by a wider public opinion. This was lacking for the present. He also told the House that questions like those of the flag created communal and sectional feelings and Government felt that in the present atmosphere in the country it would not be wise to accentuate those feeling. Lastly, he said there was the question of expenditure which Government did not feel justified in incurring on the committee proposed. Mr. Emerson said Government did not feel it proper to legislate on the flag when they knew the administration would soon pass out of their hands to the representatives of the people.

The resolution was further opposed by Rai Bahadur Jagadish Pershad and rejected by the Council.

#### CREDIT FACILITIES FOR BURMA INDIAN

Mr. Narayanswami Chetty by a resolution wanted the Government to afford the necessary credit facilities to Indian traders and cultivators in Burma with a view to improve their present lot.

Mr. Lloyd, opposing the resolution, said the question of granting credit facilities was primarily the concern of the local Government. The Government of India in their present state of finances could not embark upon giving credit to traders in Burma which would necessitate giving similar facilities in British India also. He, however, assured the Council that the local Government were doing all they could and the Imperial Bank, he understood, had also stepped out on the scene to ease the situation.

#### PROVIDENT FUND ACT AMENDING BILL

23rd. SEPTEMBER :—The amending Bill to the Provident Fund Act was intro-



duced to-day by *Mr. Hossain Inam* who stated that the object of his amendment was to remove the hardship now caused to the heirs or nominees who predeceased the depositor. The ordinary law of the land of exclusion of remote relatives by the near relatives supervened to the detriment of the heirs or nominees.

#### WHEAT IMPORT ACT

*Chavdhy Mahomed Din* moved a resolution urging upon the Government to extend the operation of the Wheat Import Act for the next two years. He said that discontent and distress still prevailed amongst the cultivators and urged upon the Government to declare that the Act be extended for two years and no exemption in future be granted to the importers of wheat.

*Mr. Drake* on behalf of the Government said that they fully sympathized with, and realized the difficulties of, the cultivators. He added that the Commerce Secretary made it clear last March that the object of the Bill was not to raise the prices of wheat to the detriment of the consumer but to preserve a market for the Indian wheat round about the Indian shores which might have been taken up by the foreign wheat growers. This purpose was achieved for the first few months after the imposition of the import duty. But the downward tendency of the world wheat prices continued till the level was reached when Indian wheat could no longer be exported. Referring to exemption, *Mr. Drake* said Government had anticipated that about 1,20,000 tons of wheat would be imported into India after the Act came into force on March 20. These anticipations had come true and he could inform the Council that there was not much wheat which would be imported under the exemption clause for the remaining period of the Act. Proceeding, *Mr. Drake* said that it was more the surplus stock rather than the small quantity of imported wheat which was responsible for the abnormally low prices of wheat in India. For after all the quantity, little over 1,16,000 tons, could not materially affect the situation. In this connection he announced that if circumstances necessitated the extension of the Wheat Act the Government did not see any justification of granting any exemption in future. He opposed the resolution which was withdrawn.

#### LANDHOLDERS AND FUTURE CONSTITUTION

*Sardar Jaggannath Maharaj Pandit* moved the next resolution asking the Government to give adequate representation to landholders in the future constitution of India with a view to safeguard their interests. The speaker said the landholders, though they were the backbone of the country, did not wish to dominate the future constitution. Like princes they were bound to the British Crown through *sanads*. He regretted that the landholding class had been neglected at the Round Table Conference but hoped that in the future constitution their interests would be adequately safeguarded.

*Sir C. P. Ramaswami Iyer*, opposing the resolution, reminded the House that the landholding interests were adequately represented in the present constitution. Although every one represented India at the Round Table Conference members like the Maharaja of Darbhanga, *Sir P. C. Mitter* and four others advanced the claims of that class. He also pointed out that the Government of India in their despatch had recommended special constituencies for landholders which view had been accepted by the Federal Structure Sub-Committee of the Round Table Conference. He advised the mover to press their claims before the Franchise Committee which was sure to be appointed. The resolution was withdrawn and the Council rose for the day.

#### OFFICIAL BUSINESS

24th, SEPTEMBER :—The Council of State held a brief sitting to-day to transact official business. The Council passed without amendment five bills amending the *Indian Mines Act*, the *Indian Succession Act*, the *Moslem University Act* and the *Land Customs Act* as passed by the Assembly. The Council also passed the bill to extend the powers of the sheriff of Calcutta as passed by the Assembly. Lastly, the Council adopted a resolution moved by *Sir C. P. Ramaswami Iyer* reducing the period preceding commencement and following the termination of the Council of State for which the daily allowance might be drawn by the members from seven days to three and depriving non-official members of the Council of State of their existing option of reserving first class compartment or steamer cabin for their personal use and drawing the actual cost of reserving compartment or cabin in lieu of the travelling allowance of 13-15th of the first class fare. The Law Member in connection with the proposal of equalised allowances of members of the Council of State and the

Assembly hoped that in the days of financial crisis the members would pass a self-denying resolution which would be left to the unfettered vote of the House without the Government taking part therein.

#### MAINTENANCE OF ROADS

**28th. SEPTEMBER :—**The Council of State passed without amendments to-day the Bill to amend the law providing for immediate effect for a limited period of the provisions in the bills relating to the imposition or increase of duties of customs or excise as also the Bill to provide for the protection of the heavy chemical industry. Both the bills were sent up by the Assembly.

Thereafter, on the motion of Mr. Brebner, the Council adopted the following resolution :—

'In view of the present financial stringency and notwithstanding anything contained in the resolution on roads which was adopted by the Council on March 4, 1930, the apportionment made among Governor's provinces and minor administrations in the road development account may, in special circumstances and upon the advice of the standing committee on roads of the central Legislature, be made available as a temporary measure for expenditure on the ordinary maintenance of roads, on condition that the local Government or administration undertakes, when conditions render this possible, to provide any sums which may have been so applied to maintenance for expenditure upon schemes of development approved by the Governor-General in Council on the advice of the standing committee on roads of the central Legislature.'

The Council then rose till next day the 29th Sept., when Mr. Lloyd presented the financial statement.

#### PREVENTION OF INDUSTRIAL ACCIDENTS

**5th. OCTOBER :—**The Press Bill as passed by the Assembly was placed before the Council of State to-day and it was agreed to take it into consideration at tomorrow's sitting. Lala Ram-saran Das and Sardar Shivdev Singh wanted more time but the majority view was for the earliest consideration.

In the absence of Sir Joseph Blore, Sir C. P. Ramaswami Iyer made a statement regarding the resolution adopted by the House in March last about the recommendations concerning the prevention of industrial accidents adopted at the twelfth session of the International Labour Conference. He pointed out that since the resolution was adopted the provincial Governments were consulted. There was general agreement on the part of local Governments with the principle underlying the recommendations but there was considerable criticism over details. The preamble to the recommendations extended its obligation to agriculture. Taking into account the present conditions of agricultural work, the Government of India agreed with the general view of local Governments that in some respects the recommendations went beyond what was possible or necessary in the existing stage of the industrial development. Labour still was largely migratory and insufficiently organised to be able to undertake the various duties implied in the adoption of the recommendations, but local Governments indicated that many of the items contained in the recommendations were already in operation in varying degrees and in certain directions further progress was possible. But so far as legislation was concerned the Government of India were not for piecemeal legislation and as the recommendations covered the same ground as was covered by the Labour Commission they proposed to proceed with the latter.

#### CONVENTION RE. FORCED LABOUR

On the motion of Mr. Emerson as amended by Mr. Whitty the House adopted the proposition passed by the Assembly for the non-ratification of the draft convention concerning forced or compulsory labour except in certain respects.

#### Press Bill

**6th. OCTOBER :—**The Council of State met to-day to consider the Press Bill, as passed by the Assembly.

Mr. Emerson in moving consideration of the Bill defined its scope and purpose and said that there could be no more conclusive proof of the prevalence of the evil than shown by the extracts from writings circulated to the members which though confined to the Bengal press could be multiplied many times from writings in other provinces as well. He contended that of the several factors which contributed towards the terrorist movement writings in the press exercised the most potent influence.

The confessions of those who had been detected in crimes of this character showed that their initiation into crime was from the time of their reading revolutionary literature. He continued, 'The greatest need at a time when Indians' destiny is in the making is to have sound and sane public opinion. There have been many signs during the past two months of influences working towards this end, but can these influences possibly be successful when their efforts are being frustrated by dissemination of writings of this character? Before there can be any progress it is necessary to rid the press of this poison.'

The Home Secretary said that not only the Bill would enable them to reform or suppress objectionable writings but the press would feel a relief by the removal from the competitive field of such matter. He next recalled the words of the late Mr. Eardley Norton who had said at an Alipore case that youth after youth had confessed that he had been practically debauched by writings in the vernacular press. 'I do not think he could have used a more appropriate word than 'debauched' in stigmatizing the process of contamination for which such papers were responsible. A portion of the youth of this country is being daily debauched and we have to check that evil. This Bill has been reduced to the narrowest limits. I will be deceiving the House if I did not say that no room exists for further adjustments. The Government have on their own initiative gone to the utmost limits. I claim that this Bill does not give powers one jot in excess of the purpose and that the attainment of that purpose is a matter of necessity for the well-being and good name of the country. I am confident that this House will condemn in the clearest terms the cult of violence and will give the Government the powers necessary to deal with one aspect of it.' (Applause).

#### MOTION FOR SELECT COMMITTEE

*Syed Husain Imam* (Patna) moved for reference of the Bill to a select committee. While being in entire agreement with the principle of the measure he refused to be a party to the taking away of the liberty of the press especially when the Government was irresponsible and irresponsible. He remarked that the demand for security from a new press was unjustified and the quantum of punishment for the old press too high and he also complained that under the Bill the powers of the High Court were restricted. He confessed that all his 115 amendments on the agenda were based on the dissenting minute of five members of the Lower House headed by Sir Hari Singh Gour and, while admitting that the Bill, as emerged from the select committee, was a great improvement on the one originally introduced he wanted the committee to examine the provisions in the light of the dissenting minute.

*Sir C. P. Ramaswami Iyer* pointed out that all the 115 amendments tabled by Mr. Husain Imam were the exact reproduction of the amendments tabled in the Assembly. Perhaps Mr. Husain Imam had a feeling that the Bill had not been discussed by the Assembly with great care. The Law Member assured the Council that considerable learning was displayed in all discussions in the Lower House and every point of view was presented which might mitigate the rigours of the Bill. The changes made in the select committee were indeed fundamental, particularly in respect of clause 4, and any further toning down would render the provisions absolutely nugatory. In particular, the Law Member pointed out how safeguards had been introduced like automatic refund of the deposit money if the new press did not commit any offence within three months of the registration and assured that every attempt had been made not to curtail the liberty of the press.

The select committee motion was lost without a division.

Speaking on the motion for consideration of the Bill *Mr. Mahmud Shahravardy* condemned violence, but did not think that the Bill would prevent terrorism that was working underground. While being prepared to support the Bill to check terrorism in any form he wanted the Government to see that the Bill did not become an instrument of terror to journalists in India. *Rai Bahadur Ramsarandas* promised help to pilot the Bill and warned the Government that the platform and processions were preaching violence more than the press and gave an instance of how such processions and platform speeches had been allowed to inflame the people and cause rebellion in Kashmir.

*Mr. Emerson*, Home Secretary, expressed appreciation of the House at the unanimous support to the Bill. He assured Mr. Brown that the Bill was intended to prevent the youth being led astray. The present law could not effectively deal with such cases as had occurred in the Punjab where a dummy editor received a salary

which increased as he went to jail. Thus the culprit escaped. The Bill would not hit any honourable journalist, but would in fact help such a journalist in creating sound public opinion.

The Bill was taken into consideration and the House rose for lunch.

After lunch the Council sat just for 10 minutes and passed the Press Bill as passed by the Assembly without any change. *Syed Husain Imam* who had tabled so many amendments pressed one of them which was intended to reduce the deposit security and when this was defeated by 19 against one vote and that of his own, he declared that he did not intend to move any of his other amendments and immediately thereafter left the Chamber.

*Mr. Ramsarandas* moved a few amendments which were all lost.

During the third reading there was only one speech by *Rai Bahadur Jagdish prasad* who supported the Bill because it was an emergency measure for two years only. He, however, warned the Government to see that the law was not abused as that might add to the popular discontent.

The President adjourned the Council to Delhi in November.

#### FINANCE BILL INTRODUCED

**23rd. NOVEMBER:**—The Council of State re-assembled to day at New Delhi when the Supplementary Finance Bill was laid on its table.

The President communicated to the House two messages from the Viceroy and Governor-General, which the members received standing. The first message declared the Legislative Assembly's failure to pass the Supplementary Finance Bill in the form recommended by the Viceroy and certified that the bill was essential for the interests of British India, and the other message asked the Council of State to pass it in the form annexed to the message. The secretary laid the bill on the table.

Sir Arthur McWatters desired directions regarding the progress of the bill, but suggested that it was important that the bill be passed at the latest by Friday.

**26th. NOVEMBER:**—*Sir Arthur McWatters*, moving the consideration of the bill as recommended by the Viceroy, wished the Council to realise that the taxation proposals being of an emergency nature had to be framed on some broad lines and that they were somewhat in the nature of raw meat. Unlike the former Finance Bills, the present measure had been before the country for over a month. The Finance Secretary said that none disputed the fact that there was a state of emergency, and he showed by figures that the Government had done everything possible to effect economies. The only alternative left open to fill up the gap was by additional taxation. Sir Arthur McWatters assured the Council that the action which the Government was taking was similar to what other Governments had taken to meet emergencies. Dealing next with the provision for 18 months, the speaker said a bill for six months would have left the country in a state of suspense and would not have resulted in bringing money to meet the situation. A bill for six months, therefore, would not achieve the desired result of stabilizing the credit of the country. After dealing with the economies which the Government had effected and with the taxation proposals, the Finance Secretary stated that the Council would realise that it was merely an emergency measure and that the burden of taxation had been widely and evenly distributed. He regretted that the bill being a certified one, he would not be able to accept any amendments, but he assured the House that all their suggestions would be taken note of, specially in view of the forthcoming constitutional changes. He appealed to the Council to pass the bill, which would help to restore confidence and enhance the credit of India.

*Sir Akbar Khan* held that the remedies applied by the Government to deal with the situation were not the correct ones. He showed by figures that taxation had increased by 99.8 per cent. since 1921-22, with a corresponding increase of Rs. 119.1 crores in expenditure. The value of the rupee in the same period had shrunk to Re. 0.8-4. The speaker held that the present was the most inopportune time to levy additional taxation and suggested that the civil and military expenditure should be restored to the pre-war level, which would give roughly Rs. 33 crores to the Government.

*Mr. Miller* (of the Bombay Chamber of Commerce) did not like the present Finance Bill and took particular objection to the provision for retrospective effect to income-tax. He had come to Delhi to oppose that provision, but in view of the statement of the Finance Member that it was necessary to give retrospective effect under the Income-Tax Act he would not oppose the proposal. He, however, suggested an amendment of the Income-Tax Act for the purpose. *Mr. Miller* also

objected to the 18 months provision and wanted an assurance that an opportunity would be given to the House next March to consider alternative proposals for taxation. The speaker next criticised the surcharge on the excise and import duties and urged their early reduction, specially in the case of petrol, which might affect railway receipts and freights. Mr. Miller lastly felt that the 10 per cent. cut *minus* income-tax surcharge from salaries did not show that Government employees had entered into the spirit of the emergency. He also appealed to the Government to continue their activities for the development of civil aviation in India even through private companies.

Mr. Basu said that last year at least Lord Irwin had listened to the Assembly, this year the Government had dismissed the Assembly with the remark: 'You shall make no change'. 'Are we here for oratorical gymnastics?' he asked. 'Are we a body of incapables, or do you lack utterly a sense of humour?' Mr. Basu declared that a balanced budget was an eye-wash because it had been produced by raiding the sinking fund. This procedure was positively dangerous and would not support Government securities. He pleaded for retrenchment as the only true method of balancing the budget and warned that diminishing returns would reduce the estimated revenue by Rs. 5 crores.

Mr. Hussain Inam said that no country in the world had faced a similar situation by such heavy taxation. Taking the case of England, he said that that country was meeting only contractual obligations in the matter of debt, but India was being asked to face not only contractual but also other obligations like railway annuities. 'What is the use of making provision for the reduction or avoidance of debt when you are doing so by borrowing? Your treasury bills are at a very high rate. Why borrow at higher rates to pay for loans borrowed at lower rates where there is no contractual obligation to meet them immediately?'

He next said that retrenchment in England was substantial this year, namely, 8 per cent., while in India it was less than 1 per cent., during the current year, though it was in February last that the Finance Member thought of retrenchment.

Mr. *Kingoracharya Narula* declined to assist the Government in carrying a certified bill into law. He felt that the Government should have accepted the verdict of the Assembly as the credit of the country would rise or fall to the extent that the Government retained or lost the confidence of the public. The Government had been pursuing a currency policy which had been against the interests of the country, and surpluses had often been eaten up by increasing the salaries of already heavily paid employees and by exchange gambles. The general impression was that the Government had been half-hearted in carrying out retrenchments and their silence as to whether additional taxation like cuts in salaries was of a temporary nature had created misgivings in the minds of the public. The speaker warned the Government that they could not balance the budget by certified taxation, and that the real remedy lay in retrenchment.

*Sardar Jagannath Maharaj Pandit* stated that if he did not oppose the bill it should not be interpreted that he approved of it. The speaker said the companionship of England and India in the present financial misfortune was like the fable of the giant and the dwarf. The pegging of the rupee to sterling and not to gold nor to any ratio that might be automatically reached it left to itself have all the advantage and India all the disadvantages. He did not complain of the surcharge on income and supertax, but disapproved of lowering of the exemption level, for incometax assessment. The speaker severely criticised the enhancement of the postal rates and regarded as unsatisfactory the proposal for flat rate duty in salaries.

*Lala Ramkrishna Das* said the credit of the country could be stabilised through an economic revival and not by additional taxation. On the other hand, the prevailing high rate of interest, the additional taxation and the high tariff walls in foreign countries would retard the progress of India. He criticised the army budget and the uniform cut in salaries and said that instead of solving the unemployment problem the Government had aggravated it by retrenching a considerable number of employees. Proceeding, he said that the refusal of the Imperial Bank to advance loans even against Government securities had given the impression that gilt-edged securities were not a proper investment. The speaker suggested a conference of Government and non-officials to explore new avenues of taxation.

*Dewan Bahadur Naryanasingh Chetty* held that retrenchment had not followed as quickly as one would wish. He suggested a thorough examination to be undertaken soon to cut down the army and other expenditure, and assured the Government that if necessary retrenchment was made and if in spite of it more funds were

required he for one would agree to additional taxation. The speaker strongly protested against the increased postal rates, the lowering of the taxable limit of income and put in a plea for the abolition of the surcharge upon income-tax and super-tax. He did not favour the new import duties and protested against sending out a large number of Government servants on the plea of retrenchment, as the result of these dismissals would be a further depression in trade. He would prefer a reduction of salaries to a reduction of posts. The speaker, however, said that he would not embarrass the Government by voting against the bill.

*Mr. H. P. Brown* (Calcutta European Chamber) said he would make many suggestions with a view to remove some of the features of this poisonous bill but this was not the occasion. The Government's difficulty was mainly due to having allowed expenditure to exceed income. No doubt the retrenchment sub-committees sat for months and prepared big reports but their recommendations had not all been given effect to. He saw no use of continuing the work of the retrenchment committees. It was now for the departments themselves not to relax their efforts in order to balance the budget.

*Mr. Datta Das* (Indian Christian) said the provincial camel could not bear any more burden and it was a mistake to suppose that by increasing the import duties the Government could expect a corresponding increase in the revenue. Machinery should not be taxed, not should income-tax level be lowered. He was further opposed to increase in postal rates and he asserted that the Indian army was meant for Imperial purpose. Concluding, Mr. Das warned the Government against dispensing with the services of low-paid clerks because they would only swell the ranks of the unemployed and create a dangerous situation. He suggested that there should be an income-tax on pensions paid out of the Indian revenue and a tax on exported manure and oilcakes.

*Sir George Schuster* said the situation to-day was just as serious as it was when the bill was introduced. There was no question of bargaining tactics over taxation because the Government wanted every pie they had budgetted for. The law of diminishing return might operate partly in respect of imports but it did in such a way as to produce serious loss of revenue then the Government would under section 23 of the Sea Customs Act take executive action pending the sanction of the legislature. He was, however, glad the House had realised that it was necessary to emergency measures to balance the budget. The retrenchments in council expenditure has been done to an appreciable degree. While in England they had made retrenchments to the extent of a little over 5 per cent; here in India they had effected no less than 16d. per cent. In regard to military expenditure there was no large margin of reduction, unless there was a substantial reduction of troops. (The Commander-in-Chief agreed.)

He welcomed any proposals to raise fresh taxation, for that would be considered in connection with the next budget in substitution of any of the present proposals.

Concluding, the Finance Member speaking in an optimistic vein about the future said the position of India compared with other countries was sound and healthy, though the present bill was most unpleasant. By this bill the Indian cotton mill industry had a bright future and it was significant that despite the opposition to the bill from business centres, the feeling as regards the future was better than when the bill was introduced.

The motion for the consideration of the bill was adopted without a division and the Council adjourned.

**27th. NOVEMBER :—**The Council of State assembled to-day to discuss the Supplementary Finance Bill clause by clause.

*Lala Ram Saran Das* moved an amendment of the deletion of clause 2 of the bill which extended its period to 18 months. He held that in the absence of the Government estimates of expenditure for the next year the Council could not vote supplies for the next year.

*Mr. Hussain Imam* asserted that the Finance Bill would not create a sense of stability as claimed by the Government. The Finance Member had himself admitted that the receipt from customs were uncertain. When, therefore, there was no certainty of the estimates being realised, there could not be any sense of stability in the public. He also refuted the statement that except by cutting down the strength of the army the military expenditure could not be reduced, for he held that economies might be effected under the capitation charges towards pensions. He also claimed that India should be compensated for training the British army in this country.

*Sir Arthur McWatters* asserted that the clause was of fundamental importance to the bill and the Government could not accept its deletion or a limitation of the period of taxation to six months. It was in the interests of India that her finances should be placed on a sound footing and the outside public must be convinced that she was determined to achieve that object.

The amendment was rejected by 25 votes to 9.

By the next amendment *Lala Ram Saran Das* opposed the imposition of an import duty on raw cotton.

*Sir Arthur McWatters* fully realised the force of the argument that raw materials should not be taxed, but there were circumstances and cases when a departure from the normal practice was in the interests of the country as a whole and the present was such a case.

The amendment was rejected.

*Lala Jagadish Prasad* and *Lala Ram Saran Das* moved amendments against the imposition of customs duty on machinery, claiming that the duty would retard the industrial progress of the country.

*Mr. Basu* opposed the amendments. He said the price of machinery had considerably gone down during the last decade, and that a 10 per cent duty would incidentally assist the manufacturers of machinery in India.

*Mr. Hussain Imam*, on the other hand, felt that the duty and the depreciated rupee would have the effect of a 43 per cent burden on machinery.

*Sir Arthur McWatters* stated that the 25 per cent increase of the duty on piece-goods would counterbalance the 10 per cent duty on machinery. He claimed that the effect of the duty would not be felt by the industry at all.

The amendment was rejected.

The Council then considered and rejected without any division the amendments of *Lala Jagadish Prasad* and *Lala Ram Saran Das* against the imposition of a surcharge on salt and motor spirit.

*Mr. Ghose Moulick* next moved an amendment against the enhancement of the postal rates. He was supported by *Lala Ram Saran Das* and *Lala Jagadish Prasad*.

*Mr. Shildy* held that the enhanced rates would not affect the postal revenues. The amendment was rejected by 18 votes to 9.

*Mr. Jagadish Prasad* moved an amendment against the lowering of the incidence of income-tax and in doing so pleaded the cause of the joint Hindu families.

*Sir Akbar Khan* believed in the Moslem law and would have an uniform tax for poor and rich alike.

*Mr. Ram Saran Das* wanted the Government to follow the English income-tax Act by exempting allowances for children etc.

*Sir Arthur McWatters*, opposing the amendment, pointed out the difficulties in following the English law in the matter of allowances in India.

The amendment was rejected.

*Mr. Hussain Imam* opposed the surcharge on income-tax and super-tax while *Mr. Jagadish Prasad* wanted to exempt incomes below Rs. 10,000 from the surcharges.

*Mr. Lloyd* opposing the motions stated that the effect of the amendments would be a loss of nearly a crore to the Government in eighteen months. The amendment was rejected by 23 votes to 9 and the motion for passing clause 9 was next adopted by 22 votes to 11.

The Council then adopted all the other clauses of the Bill without a discussion.

The third reading of the Bill was opposed by Messrs. *Jagadish Prasad*, *Ram Saran Das*, *Rangaswamy Ayyangar* and *Hussain Imam* who warned the Government against their irresponsible attitude and feared their revenue anticipations would not be realised. On the other hand, the Bill would give a fresh handle to the Indian agitator to spread discontent amongst the people.

*Mr. Natesan* appealed to the house to pass the Bill as it was essential for carrying on the government of the country. *Sir Arthur McWatters* denied the suggestion of *Mr. Ram Saran Das* that fresh taxation was launched in and certification was resorted to at the behest of the Secretary of State.

The Bill was passed by 24 votes to 9 and the Council adjourned *sine die*.

# THE LEGISLATIVE ASSEMBLY

PRESIDENT : SIR IBRAHIM RAHIMTULLAH

The autumn session of the Legislative Assembly opened at Simla on the 7th. SEPTEMBER 1931 under tragic circumstances. Mr. K. C. Roy, founder of the "Associated Press" suddenly fainted in the House and he was taken to hospital where he passed away.

Ten Government Bills including the *Bill for the better control of the Press* and the *Foreign Relations Bill* were introduced. The Press Bill was introduced without dissent. Mr. Howell was in charge of the Foreign Relations Bill.

## The Press Bill

Sir James pointed out in respect of his Bill that having regard to the spread of the terrorist movement it had been considered necessary to provide for the better control of the Press and of unauthorised news-sheets and newspapers. The duration of the Bill was one year but the Government could extend it, if necessary, for a year at a time for a further period of two years. The keeper of a press would be required to deposit a security up to a maximum of five thousand rupees in the first instance unless the Magistrate thought fit to dispense with it.

## BILL TO AMEND MINES ACT

Mr. Shillidy introduced a bill amending sec 3 of the Mines Act enabling the district magistrates in presidency towns to exercise powers and duties conferred upon the district magistrates elsewhere.

## BILL TO AMEND SUCCESSION ACT

Sir Lancelot Graham introduced a bill amending sections 223 and 236 of the Succession Act authorising the grant of probate and letters of administration to a company on the lines of the English law.

## POWER OF CALCUTTA SHERIFF EXTENDED

Sir L. Graham also introduced a bill extending the powers of the sheriff of Calcutta to hold persons in lawful custody. This bill makes it possible for the sheriff to take persons lawfully in custody to and from the presidency jail without proceedings for a short distance beyond the local limits of the ordinary original civil jurisdiction of the High Court. The necessity of this bill has been rendered by the closing of the Alipur bridge for reconstruction.

## BILL RE: ALIGARH UNIVERSITY

Sir Fazli Hussain introduced a bill giving effect to the amendments suggested by the Aligarh University authorities and approved by the Visiting Board in the University Act. The effect of the amendments proposed is that the existing intermediate college there should be abolished, the high school classes be transferred to the school and the intermediate classes to the university. This would be in accordance with the recommendations of the General Overhauling Committee of the university. Amendments were also proposed whereby the university would be able to continue to maintain the Tibbiya College of Unani medicine.

## OTHER OFFICIAL BILLS

Sir George Schuster introduced a bill to amend the *Land Customs Act*. The object of the Bill was to impose a deterrent penalty of imprisonment to the extent of six months in cases of smuggling across the land frontiers of silver and other articles liable to a high rate of customs duty instead of mere confiscation and fine. The customs officers would have the option whether to prosecute in petty cases or retain their power conferred under the present Act to inflict the penalty of fine and of confiscation.



Sir George Rainy introduced a *Bill for the protection of the heavy chemical industry.*

Sir George Schuster introduced a *Bill to amend the law* providing for immediate effect being given for a limited period to provisions in Bills relating to the imposition of or increase of duties of customs or excise. He said the experience of the last three Delhi sessions illustrated certain disadvantages in the present procedure as regards the budget and the Finance Bill and particularly had brought out the fact that the period of 30 days prescribed under section 2 of the Provisional Collection of Taxes Act was not sufficiently long. It was proposed to extend this period to 60 days.

Sir Fazli Hussain introduced a *Bill amending the Ancient Monuments Preservation Act* so as to facilitate the cooperation of outside agencies like archaeologists in exploration and excavation work.

## The Press Bill

The following is the statement of objects and reasons appended to the Press Bill :-

It is the practice of a section of the press to give direct or indirect incitement to crimes of violence and in particular to encourage crimes of a terrorist character by eulogy of those guilty of such crimes. Experience has also shown that propaganda in furtherance of crimes of violence is carried on by means of leaflets, pamphlets, bulletins and the like. Having regard to the spread of the terrorist movement and to the increasing number of offences committed in pursuance thereof, it is considered to be necessary to provide for better control of the press and of unauthorised news-sheets and news-papers in order to prevent the encouragement now given in this respect. The bill is designed to secure the requisite powers and to give them duration for a period of one year, with power to the Governor-General in Council to extend it, if necessary, for a year at a time for a further period of two years.

### SUMMARY OF PROVISIONS OF BILL.

Sub-clause (1) of clause of 4 sets out the objectionable matter which falls within the general clauses of the bill. Clauses 3 to 6 provide for the control of printing presses and are based on section 3 to 6 of the Indian Press Act of 1910. The scheme of these clauses is briefly as follows :

Sub-clause (1) of clause 3 provides that keepers of printing presses making a declaration for the first time under section 4 of the Press and Registration of Books Act 1867 will be required to deposit a security, unless the magistrate sees fit to dispense with it.

By sub-clause (3) of the same clause if any printing press already in operation is issued for printing objectionable matter, the keeper may be required by the local Government to deposit security.

Under clause 4 the security given in respect of any press may be forfeited in whole or in part, if the press is used for the printing of objectionable matter.

By sub-clause (2) the declaration made under the Press and Registration of Books Act 1867 in regard to a press becomes automatically cancelled ten days after the forfeiture, and thereafter.

By clause 5 if the keeper makes a fresh declaration he may be required to furnish an enhanced security.

Under clause 6, if the printing press is again used for the printing of objectionable matter the enhanced security, the printing press and all documents containing the objectionable matter may be forfeited by an order of the local Government. Clause 7 to 10 provide similar machinery for the control of newspapers and are based on sections 8 to 11 of the Indian Press Act of 1910.

When a second order of forfeiture has been passed against the publisher of a newspaper, sub-clause (2) of clause 10 provides that no further declaration under the Press and Registration of Books Act 1867 may be made in respect of the newspaper without the permission of the local Government.

Clauses 11 and 12 provide penalties for keeping or using a printing press and for publishing a newspaper when a security has been required but not deposited.

Clauses 15 to 18 are supplementary to clauses 3 to 12 and are intended to defeat the various ways of evading these clauses by the use of duplicating devices which are not printing presses, by broadcasting of leaflets which are not newspapers and by the

publication of newspapers in respect of which no declaration is made under the Press and Registration of Books Act 1867. The procedure in these cases is more summary.

The clauses 19 to 22 give power to forfeit objectionable documents which are in circulation. Similar provisions already exist in section 99A of the Code of Criminal Procedure 1898, in section 191-A of the Sea Customs Act of 1878 and in sections 27-A and 27-B of the Indian Post Office Act of 1898, but these relate briefly to seditious documents and do not affect much of the matter described in sub-clause (1) of clause 4.

Clauses 23 to 27 reproduce sections 17 to 21 of the Indian Press Act of 1910 and provide for a reference to the High Court in cases of forfeiture ordered under clauses 1, 6, 8, 10 and 19.

#### IMPORTANT PROVISIONS OF BILL

3. (1) Every person keeping a printing press who is required to make a declaration under section 4 of the Press and Registration of Books Act of 1867, shall, at the time of making the same, deposit with the magistrate before whom the declaration is made a security to such an amount not being less than Rs. 500 or more than Rs. 2,000, as the magistrate may in each case think fit to require in money or the equivalent thereof in securities of the Government of India; provided that the magistrate may, if he thinks fit for special reasons to be recorded by him, dispense with the deposit of any security; provided further that if a deposit has been required under sub-section (1) from any previous keeper of printing press the security which may be required under this sub-section may amount to Rs. 5,000.

(2) The magistrate may at any time vary any order fixing the amount of security under this sub-section or under sub-section (1).

(3) Whenever it appears to the local Government that any printing press kept in any place in the territories under its administration in respect of which a declaration was made before the commencement of this Act under section 4 of the Press and Registration of Books Act of 1867 is in use for any of the purposes described in section 4, sub-section (1), the local Government may by notice in writing require the keeper of such press to deposit with the magistrate, within whose jurisdiction the press is situated, security to such an amount not being less than Rs. 500 or more than Rs. 5,000 as the local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India.

#### FORFEITURE OF SECURITY

4. (1) Power to declare security forfeited in certain cases.

Whenever it appears to the local Government that any printing press in respect of which any security has been deposited, as required by section 3, is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which are likely or may have a tendency directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise to incite to or to encourage the commission of any offence of murder or any offence involving violence, or to express approval or admiration of any such offence or of any person real or fictitious who has committed or is alleged or supposed to have committed any such offence, the local Government may by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above, declare the security deposited in respect of such press or any portion thereof and all copies of such newspaper, book or other documents wherever found in British India to be forfeited to his Majesty.

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) the declaration made in respect of such press, under section 4 of the Press and Registration of Books Act of 1867, shall be deemed to be annulled.

#### DEPOSIT OF FURTHER SECURITY

Deposit of further security where the security given in respect of any press or any portion thereof has been declared forfeited under sec. 4.

Every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, shall deposit with the magistrate before whom such declaration is made security to such an amount not being less than Rs. 1,000 or more than Rs. 10,000 as the magistrate may think fit to require in money or the equivalent thereof in securities of the Government of India.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 4, any unforfeited balance still in deposit shall be taken as part of the amount of the security required under sub-section (1).

#### FORFEITURE OF SECURITY, PRESS AND PUBLICATION

6. Power to declare further security, printing press and publications forfeited. If after such further security has been deposited the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which in the opinion of the local Government are of the nature described in section 4, sub-section (1).

The local Government may by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare (A) the further security so deposited or any portion thereof; (B) the printing Press used for the purpose of printing or publishing such newspaper, book or other document or found in or upon the premises where such newspaper, book or other document is, or at the time of printing the matter complained of, was printed; and (C) all copies of such newspaper, book or other document wherever found in British India to be forfeited to his Majesty.

#### PUBLISHER OF NEWSPAPER

7. Every publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, shall at the time of making the same deposit, with the magistrate before whom the declaration is made, security to such an amount, not being less than Rs. 500 or more than Rs. 2,000 as the magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of India, provided that the magistrate may if he thinks fit for special reasons to be recorded by him dispense with the deposit of any security, provided further that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper the security which may be required under this sub-section may amount to Rs. 5000.

(2) The magistrate may at any time cancel an order dispensing with security and require security to be deposited and he may at any time vary any order fixing the amount of security under this sub-section or under subsection (1).

(3) Whenever it appears to the local Government that a newspaper published within its territories in respect of which a declaration was made by the publishers thereof before the commencement of this Act under section 5 of the Press and Registration of Books Act, 1867, contains any words, signs or visible representations of the nature described in section 4 sub-section (1) the local Government may by notice in writing require the publishers to deposit with the magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than Rs. 500 or more than Rs. 5,000 as the local Government may think fit to require in money or for the equivalent thereof in securities of the Government of India.

#### WHEN A SECURITY MAY BE FORFEITED

8. (1) Power to declare security forfeited in certain cases if any newspaper in respect of which any security has been deposited as required by section 7 contains any words, signs or visible representations which in the opinion of the local Government are of the nature described in section 4, sub-section (1).

The local Government may by notice in writing to the publisher of such newspapers, stating or describing such words, signs or visible representations declare such security or any portion thereof and all copies of such newspaper wherever found in British India to be forfeited to his Majesty.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act 1867 shall be deemed to be annulled.

#### SECOND SECURITY

9. (1) Deposit of further security where the security given in respect of any newspaper or any portion thereof is declared forfeited under section 8, or section 10.

Any person making a fresh declaration under section 5 of the Press and Registration of Books Act 1867 as publisher of such newspaper or any other newspaper which is the same in substance as the said newspaper, shall deposit with the magistrate before whom the declaration is made security to such an amount

not being less than Rs. 1,000 or more than Rs. 10,000 as the magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of India.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 8 or section 10, any unforfeited balance still in deposit shall be taken as part of the amount of security required under section (1).

#### FORFEITURE OF SECURITY AND NEWSPAPER

10. (1) The power to declare further security and newspapers forfeited if after such further security has been deposited the newspaper again contains any words, signs or visible representations which in the opinion of the local Government are of the nature described in section 4, sub-section (1).

The Local Government may by notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations declare (A) the further security deposited or any portion thereof, and (B) all copies of such newspaper wherever found in British India to be forfeited to his Majesty.

(2) After the expiry of 10 days from the date of the issue of a notice under sub-section (1) the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act 1867 shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the local Government.

11. (1) Penalty for keeping press or publishing newspaper without making deposit.

Whoever keeps in his possession a press for the printing of books or papers without making a deposit under section 3 or section 5 when required so to do shall on conviction by a magistrate be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

(2) Whoever publishes any newspaper without making a deposit under section 7 or section 9 when required so to do, publishes such newspaper knowing that such security has not been deposited, shall on conviction by a magistrate be liable if he had failed to make the declaration under the Press and Registration of Books Act, 1867:

12. (1) Power to declare printing press forfeited if used before deposit is made.

Where a deposit is required from the keeper of a printing press under sub-section (2) or sub-section (3) of section 3 or under section 5, such press shall not be used for the printing or publishing of any newspaper, book or other document until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1) the local Government may by notice in writing to the keeper thereof declare the press so used or any other printing press found in or upon the premises where such press was so used, to be forfeited to his Majesty.

#### RETURN OF SECURITY.

13. Where any person has deposited any security under this Act ceases to keep the press in respect of which such security was deposited or being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, he may apply to the magistrate, within whose jurisdiction such press is situated, for the return of the said security and thereupon such security shall upon proof to the satisfaction of the provisions hereinbefore contained be returned to such person.

#### POWER TO CONDUCT SEARCH AND SEIZE PROPERTY

14. Issue of a search warrant where any printing press is, or any copies of any newspaper, book or other document are declared forfeited to his Majesty under section 4, section 6, section 8, section 10, or section 12.

The local Government may direct a magistrate to issue a warrant empowering any police officer not below the rank of sub-inspector to seize and detain any property ordered to be forfeited and to enter upon a search for such property in any premises (1) where any such property may be or may be reasonably suspected to be, or (2) where any copy of such newspaper, book or other document is kept for sale, distribution, publication or public exhibition or is reasonably suspected to be so kept.

Here follow the provisions in respect of unauthorised news-sheets and newspapers as also those relating to seizure of certain documents.

#### POWERS OF HIGH COURT

Then come the powers of the High Court which are defined as below :

23. Application of the High Court to set aside order of forfeiture.

Any person having an interest in any property in respect of which an order of forfeiture has been under section 5, section 6, section 8, section 10 or section 19 may within two months from the date of such order apply to the high court for the local area in which such order was made to set aside such order on the ground that the newspaper, book or other document in respect of which the order was made did not contain any words, signs or visible representations of the nature described in section 4, subsection (1).

24. Hearing by a special bench.

Every such application shall be heard and determined by a special bench of the high court composed of three judges or where the high court consists of less than three of all the judges.

25. (1) Order of special bench setting aside forfeiture.

If it appears to the special bench that the words, signs or visible representations contained in the newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 4, sub-section (1) the special bench shall set aside the order of forfeiture.

(2) Where there is a difference of opinion among the judges forming the special bench the decision shall be in accordance with the opinion of the majority (if any) of those judges.

(3) Where there is no such majority which concurs in setting aside the order in question, such order shall stand.

26. Evidence to prove the nature or tendency of newspapers on the hearing of any such application with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper in respect of which the order of forfeiture was made.

27. Procedure in High Court.

Every high court shall as soon as convenient may frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed the practice of such court in proceedings other than suits and appeals apply so far as may be practicable to such applications.

#### Foreign Relations Bill

The following is the statement of the objects and reasons appended to the Foreign Relations Bill introduced by Mr. Howell in the Assembly :—

It is a recognised principle of international law that the states in their relations with other states are responsible for the acts committed by persons within their jurisdiction. In accordance with this principle most of the modern systems of law have made provision for the punishment of libels against the heads of foreign states. The English Common Law punishes such libels on the ground that they imperil the peaceful relations of his Majesty with the foreign states. Under the existing law of British India, however, powers are lacking to enable the Government to discharge this international responsibility and of late a certain section of the Indian press has embarked upon a campaign of propaganda against the present ruler of an adjoining and friendly state and has given utterance to the inflammatory appeals of a rival claimant in a manner scarcely consistent with the Government's obligations of neutrality and non-interference in the internal affairs of a neighbouring country, the independence and integrity of which his Majesty's Government have by treaty undertaken to respect. The existing Government in at least one other friendly adjoining country has also been made an object of attack. The bill is intended to bring the Indian law into line with the English Common Law. It reproduces Ordinance no. IV of 1931 which was promulgated in April last. It provides a maximum penalty of two years' imprisonment and fine for the publication of statements likely to

prejudice his Majesty's relations with any friendly state but restrict the initiation of proceedings to complaint by or on behalf of the Government. It also applies the provision of the Code of Criminal Procedure 1898, and of the Indian Post Office Act, 1898, relating to the seizure of offending documents and it supersedes but continues the operations of Ordinance No. IV of 1921.

#### DEATH OF MR. K. C. ROY

**8th. SEPTEMBER:**—In the Assembly this morning, Sir George Rainy in moving a *condolence resolution* on the death of Mr. K. C. Roy, said: "Mr. Roy was better known to us on the official benches, or to some of us, than any other non-official member. For, I believe, it is more than 30 years since he became habitually a resident at the head quarters of the Government of India as a newspaper correspondent and subsequently the head of a great and important Press agency. I remember well myself making his acquaintance about the year 1907 or 1908 when I was Under-Secretary to the Government of India.

"Of his public career, I will only say this: As a veteran journalist, he occupied a place at the very height of his profession in India. For eight years he was a member either of the Assembly or of the Council of State and in that capacity, and more and more as time went on, he played an active and influential part in all important public questions.

After some members had spoken, the President said: "I wish wholly to associate myself with what has been said by honourable members on this occasion". The President then adjourned the House as a mark of respect to the deceased.

#### INCOME-TAX BILL

**9th. SEPTEMBER:**—After interpellations to-day *Sir George Schuster* moved reference to a select committee of the Bill to amend the Income Tax Act which was introduced in the Delhi Session and which has since received opinions. The Finance Member suggested the following members for the Committee: Mr. Shammukham Chetty, Sir Harising Gour, Sir Cowasji Jehangir Mr. S. C. Mitra, Mr. Anwarul Azim, Mr. Heathcote, Mr. Anklesariya, Sir Abdulla Suhrawardy and himself. Sir George explained the measure at great length. He reiterated that the object of the measure was to make residence the main basis of liability for payment of the tax, while still retaining origin and remittance into British India as the basis of liability in certain circumstances.

The purpose of the Bill was to prevent flight of capital from India to foreign countries and further to see that Indian investors invested money in British India. He emphasised that Government had no intention of rushing the measure and they were prepared to place all details before the select committee so that any injustice that might be felt by any interests might be removed. British law was based on the substantial principle of making a man pay tax to some extent according to the economic allegiance he owed to the country in which he resided or was domiciled. It was true that in India there was a community consisting of officials and businessmen who were resident but not domiciled in the technical sense. It was open to the Committee to amend the provision in the Bill in this respect and Government would not object to it on the ground that it defeated the principle of the Bill.

*Mr. Shammukham Chetty* entered a strong plea for throwing out the motion of the Select Committee. The speaker at the outset made it clear that he was not one of the persons who would be affected by the bill as he invested his savings and paid incometax in India. The main reason for the bill advanced by the Finance Member was that Government wanted to prevent flight of Indian Capital from India. Mr. Chetty said he did not wish to dilate on the various reasons for the flight of Indian capital from this country but he could tell the House with confidence that it was not due to any defect in law of income tax.

*Mr. Heathcote* opposed the Bill on behalf of the European commercial interests. He said it was not high taxation but lack of security for capital which was responsible for its flight out of India. Conditions in this country for the last three years had been such as to shake the confidence of any investor. The speaker did not think it wise to change the principles of income-tax in India only for the sake of forty to fifty lakhs a year which it was expected the amended law would bring in. Mr. Heathcote concluded that the Bill would not prevent flow of capital out of India.

*Mr. Mody* (Bombay) did not approve of Government modelling income-tax law on British Act in some respects while leaving out others which benefitted small investors. England was a rich country with large surplus of capital which could be invested abroad with profit. It was justifiable if income from such investments was taxed. India, on the other hand, was a poor country and English analogy, therefore, did not hold good. *Mr. Mody* said capital was flying out of British India for lack of opportunities, shabby condition of India's credit and unfavourable economic conditions.

After a number of members had spoken, *Sir Harisingh Gour* vehemently opposed the Bill and quoted all objections advanced by income-tax commissioners and others.

It was 4-45 p. m. when the President ascertained and found that there was a substantial minority anxious to continue the debate to the next official day. The Assembly then adjourned.

#### INQUIRY INTO AGRICULTURAL DISTRESS.

**10th. SEPTEMBER :—**Non-official resolutions were discussed in the Assembly to-day. *Haji Abdulla Haroon* moved a resolution urging the introduction of legislation prohibiting the execution of decrees of civil courts against agricultural landholders and farmers and prohibiting the institution of new civil court proceedings against them for past debts for the next two years. He said that the existence of debts and the inability of agriculturists to pay it had been most harmful to the best interests of the country. Land was rapidly passing into the hands of non-agriculturists. The speaker quoted from the reports of Provincial Banking Enquiry Committees to illustrate the failure of the co-operative movement launched to eliminate money-lenders. The prices of food grains and other agricultural produce had fallen abnormally. He urged that the Viceroy should issue an ordinance giving effect to the resolution as soon as it was passed, as legislation meant time and the situation could not brook delay in action.

*Sir Fazi Hussain*, on behalf of the Government, opposed the resolution. He said that unless a national reconstruction programme was adopted and vigorously pushed through, there was no salvation for agricultural India. This might sound too pessimistic, but it was always best to know the worst. It was true that legislation had gone far ahead to help agriculturists in the country, but there was a good deal still left to be done. He regretted that he had not succeeded in devising a scheme for putting the rural population of India on a sound footing.

*Sir Zulfiqar Ali Khan*, supporting the resolution, pleaded for the application of some sovereign remedy for this world malady of agricultural distress. He had known of cases in which families had committed suicide because they could not support themselves. The resolution was but a plea for a moratorium for two years.

The mover withdrew the resolution, especially as *Mr. Amarnath Dutt* had a more comprehensive resolution for an enquiry.

*Mr. Amarnath Dutt* moved a resolution urging the appointment of experts and members of the Legislative Assembly to enquire into the cause of the present agricultural distress and devise means for improving the condition of the agricultural population. The mover referred to agricultural distress particularly in Bengal, and alluded to the recent speech of *Dr. Rabindranath Tagore* on the subject.

He said that he was encouraged to make an appeal for enquiry after the morning's discussions on *Haji Abdulla Haroon's* resolution. There had been committees and commissions in the past, but they did not touch the fringe of the problem as the persons appointed to them could not fully understand the real situation on the country side. This was why he was asking for a Committee with an absolutely different sort of personnel.

*Mr. B. Das*, supporting the resolution, alluded to the battle over the ratio some years ago, when non-official members had warned the Government that the 18d. ratio would ruin agriculturists. Their forecast had come true. *Mr. Das* next criticised the Land Revenue and Excise policy of the Government and said that the system of administration should be sufficiently elastic so that it could be adjusted according to the resources of the country. To-day they were faced with an agrarian situation in which the land revenue was fixed on the basis of high prices and the paying capacity of the cultivator had been reduced to the lowest limit by the fall in prices of food-stuffs. To this should be added the present Loan policy of the Government, which in its turn was sure to ruin agriculturists. *Mr. Das* stated that the Government to-day

was faced with a terrorist movement in the country, but if the present agrarian situation was not tactfully handled, it would breed a revolution which would sweep away not only the present system of Government but also the economic fabric of society.

*Mian Sir Fazli Hussain* was ready to admit that there was a great deal of truth in what the previous speakers had stated. He, however, assured the members that Government was fully alive to the situation and had already done a great deal to give relief to the agriculturists. After mentioning what Government had done he said that these were palliatives. It was equally true that no local Government could put matters right in a couple of years. It was also not right to get into the mood that India was the only country which was badly affected. He showed by illustrations what sort of conditions existed within the British Empire. In conclusion he said if a committee was to ascertain whether there was agricultural distress in the country, such a committee was useless as Government already knew that. If a Committee on the other hand was to devise means to relieve economic distress, then Government had already before them the recommendations of the Agricultural Commission which had cost them 13 lakhs of rupees. He appealed to the House to reject the resolution, because the real remedy lay in organising nation-building activity in the countryside.

The resolution was ultimately thrown out.

### The Press Bill

**11th. SEPTEMBER** :—The galleries were packed to-day when *Sir James Creer*, rising amid cheers, moved the reference of the Press Bill to a Select Committee consisting of Mr. Bagatram Puri, Mr. C. S. Ranga Aiyar, Mr. Arthur Moore, Sir Abdulla Suhrawardy, Dr. De Souza, Mr. A. Hoon, Rai Bahadur S. R. Pandit, Sir Abdur Rahim and the mover for report by the 18th September. He wished the House to realise that it was with a deep sense of the gravity of the occasion that he made the motion. There was no desire to introduce proposals involving serious controversies. At any rate, the principle of the Bill was not controversial. Public opinion had been shocked by the prevalence and extension of terrorist crimes and was insistent in the demand for a remedy. Sir James trusted that this would be reflected in the attitude of the House over the Bill. The country and the Government were faced with a serious situation. On several previous occasions when questions connected with the public security came under consideration, non-official members of the House had repeatedly assured the House that they would never fail to provide the Government with adequate powers whenever an emergency arose. Such a state of emergency had arisen. The Bill was no indictment of the press as a whole nor was it any reflection upon the members of that noble profession. The press as a whole had always displayed wisdom and sobriety, but this Bill was confined to a small section of the press and its scope was restricted to writings calculated to incite the people to murder and praise of murders. The Government had not gone an inch beyond the actual necessities of the case, and their objective was immediate and confined to prevent the encouragement of terrorist crimes. Proceeding, Sir James Creer quoted statistics to show the increase in terrorist crimes. There were nineteen in 1929, seventyfour in 1930 and 118 in 1931. In the face of this serious and growing menace the Government needed powers beyond the ordinary law. The ordinary law was only penal and punitive and therefore was not adequate or effective. What was wanted was preventive power which the present Bill contained. The present measure, Sir James asserted, was not one of repression, but essentially a measure of protection of both the public and the officers of the Government and more than all protection for young men who were now-a-days misled by the publication of speeches applauding murderers. The bill contained sufficient safeguards. Violence and crimes were alien alike to Indian and British civilisation and their conceptions of civic conscience. Though it had been stated by some that the East was East and West was West and never the twain shall meet, there was enough common ground for both to meet. The Government was entitled to the amplest measure of support from the public, from the press and above all, from members of the Assembly. Incidentally, the Home Member acknowledged that the press had already supported the Bill a great deal, and he expected to receive further support. Political progress meant more than the progressive transfer of responsibility. It meant the desire to shoulder responsibilities and duties. In proportion as that desire to shoulder burdens and responsibilities accompanied the desire to acquire rights and privileges, to the extent that spirit was prevalent in India, to the extent that that was interpreted



into forms of action, it was in proportion to these things that the prospects of India's future and progress now or in future, immediate or remote, must ultimately depend. Concluding, the Home Member appealed for the fulfilment on the part of unofficial members of their promises to assist the Government with special powers when the normal law was found inadequate and said: "The fulfilment of those promises was never more immediately required than on this occasion."

On the motion of *Mr. S. C. Mitra*, the names of Sir Hari Singh Gour and Mian Shah Nawaz were added to the Select Committee.

#### MOTION FOR CIRCULATION

*Mr. B. Das* moved an amendment that the Bill be circulated for eliciting public opinion. He said that the motive behind the Bill was to suppress the Indian Press, and thereby suppress Indian aspirations. This was no new game. When the Montford Reforms were about to be introduced, the Government appointed a Sedition Committee and subsequently had the Rowlatt Act enacted. Similarly, on the eve of the constitutional changes, the Government were forcing the present Bill through. It was a conspiracy of imperialists, Conservatives and Diehards to continue the present system of Government as long as they could. The Government, therefore, did not wish success to the Round Table Conference and through the Bill expected to ruin the harmonious atmosphere for a settlement in London.

There could be another reason for the Bill. The Government, as it were, wished to be prepared to deal with the Civil Disobedience movement if it was started again. This was evident from the Bill before the House which was identical to the one introduced in January last, though the avowed object of the Bill had been changed from "suppression of laudation of the civil disobedience movement" to "suppression of laudation of the terrorist movement." Proceeding, *Mr. Das* said that even this object would not be achieved through this Bill. The Government had made a wrong diagnosis. They should find out what it was which made the young men of to-day take to violent ways and defy even Gandhi. These young men laughed at the Assembly and at the members of the Assembly. He however assured the Government that he was behind them in suppressing the terrorist movement, but it must be done on the right lines. He held that the present law in the country was adequate to deal with newspapers guilty of laudation of terrorism. The bill however displayed the mentality of the Government. The Government did not like the Gandhi-Irwin Pact and in violation of the spirit of the Pact, they were trying to force the Bill at the instigation of their friends in the Anglo-Indian Press. He was surprised that the Government took no note of the writings in the Anglo-Indian Press which had been creating hatred between race and race and class and class. On the other hand, they had surrendered their judgment to the section of the Press. He appealed to the Government not to lend their ear to the Anglo-Indian Press and to do justice to India. In surprising the Indian Press they would be surprising the national consciousness of the country. They should also realise that every crime which was committed in the country was the result of the high-handedness of the police. The Government should not flout public opinion, which was clearly against the Bill. They should not give the impression to the public that the spirit of oppression and suppression was still alive, and lastly they should not do a thing which might throw Moderates like himself into the other camp (of the Congress). He reminded the House that when the Civil Disobedience movement was going on in the country, he remained a member of the Assembly, and helped the Government. To-day, if the Bill was passed, it would spoil the atmosphere necessary for the success of the Round Table Conference. He appealed to the Government and the House to accept his motion.

*Mian Shah Nawaz* supported the select committee's motion, but criticised the Bill as too vague and wide in its scope, though the operative clause was restricted to violent writings. He considered the security demanded of presses and newspapers as excessive. Unless therefore the Bill was suitably modified in the Committee, the House should not pass it.

*Mr. Arthur Moore*, in supporting the Select Committee's motion, objected to a member, proposed for the Committee indulging in detailed criticisms at this stage. As for *Mr. B. Das*, the speaker reminded him of the fact that the "Statesman," with which he was personally connected, had throughout been sympathetic to Indian aspirations, a fact which *Mr. B. Das* himself had often testified to.

Here, *Mr. Ranga Aivar* interrupting asked "what about the telegram sent by *Mr. Arthur Moore* to London, that *Mr. Gandhi* should not be permitted to go to London ?

Mr. Arthur Moore denied knowledge of any such telegram. Proceeding Mr. Moore asked if it was fair that, just because in the face of the tremendous outbreak of violence in which innocent persons had been shot down, a newspaper, for the sake of its own honour, had called for measures to deal with terrorism, any member should forget facts and turn round and say that Anglo-Indian pressmen were standing for the policy of Mr. Churchill. He repudiated the suggestion that Anglo-Indian papers had any sinister hand in the bill. The bill, said Mr. Moore, would suppress no newspaper not even the most anarchical rag. It merely called upon a paper, in the first instance, to mend its manners and change its tone, but if still it went on with incitement to murders and violence, then it would be called upon to deposit a security. Proceeding Mr. Arthur Moore said that Indian dailies of great repute like the "Hindu" of Madras, the "Leader" of Allahabad, and the "Tribune" of Lahore had nothing to fear under the Bill. The Bill was opportune because the state of things was serious. Liberty and licence could not go together. Where was the boasted liberty of the Press in India to-day? There was very little of it. The right wing of the Congress, which sincerely believed in the non-violent preachings of Mr. Gandhi, was being terrorised and intimidated by the left wing consisting of revolutionaries.

Mr. B. Das as a Congressman protested against this suggestion.

Proceeding, Mr. Moore quoted lengthy extracts from the Government memorandum supplied to members containing strong writings inciting to violence. One of the newspapers quoted was the "Shramik" of Calcutta and the other the "Sarbahara."

Mr. Lalchand Navabhai asked why action against these papers was not taken?

Mr. Moore asked if Mr. Navabhai was defending the papers.

Mr. Moore, proceeding, assured the House that there was no danger to the responsible Press, and gave further quotations in support of the Bill, when the President advised him not to indulge in such long quotations, wasting the time of the House.

Mr. Moore said that even these few quotations he had cited were enough to show the intolerable state of things in the country. Mr. Moore traced the movement to the efforts of the Third International at Moscow for the violent overthrow of the existing Government, and asserted that the left wing of the Congress was being used to break down society. In this programme young men were being consecrated to destruction. The Assembly could not sit idle when certain persons were clamouring for blood. If there was any sincerity, any loyalty to the teachings of Mr. Gandhi, if there was generous response to the recent appeal of Dr. Tagore, then let the Assembly get on with the Bill as quickly as possible, and discuss it. (Applause).

#### MR. GHUZNavi's TIRADE AGAINST CONGRESS.

Mr. A. H. Ghuznavi congratulated the Government on bringing in a bill, which was most urgently needed in the country. The bane of the country had been weak Government, which allowed the Congress to pass the Independence resolution at Lahore and let Mr. Gandhi march two hundred miles to defy the laws of India. He referred to a recent publication called the "Decline and Fall of the British Empire", the author of which maintained that Lords Hardinge and Irwin were responsible for breaking up the British power in India. Mr. Ghuznavi said that praises of murder in the Indian Press were responsible for converting misguided youth to the cult of murder. Even the Corporation of Calcutta, which was a civic body, had passed a resolution praising "the sacrifice of Bhagat Singh." It was to the credit of a great friend of the Finance Member (who was absent from the House then) that the resolution was not allowed to be expunged. Mr. Ghuznavi next referred to a school in Calcutta where 20,000 boys were made to say every morning "Beat Englishmen."

Mr. S. C. Mitra : Sir, on a point of order. How is this relevant to the discussion on the Bill?

The President : It will be relevant. The speaker holds that the Bill did not go far enough.

Mr. Ghuznavi : That is my contention. Life has become intolerable at the hands of Congressmen and the Congress press and it is high time their activities were curbed. Mr. Ghuznavi held that the Bill only aimed to deal with the praise of murder, and appealed to the House to accept the motion of the Home Member.

Mr. C. S. Ranga Aiyar severely criticised the Government for bringing in a Bill for which there was no need. The sedition law, according to Sir Lawrence Jenkins, was all embracing and covered every form of offence. Sir James Crear brought in the Public Safety Bill and wanted its immediate passage, stating that otherwise the heavens would fall. The Public Safety Bill was not proceeded with. Did the heavens

fall? Mr. Ranga Aiyar attributed the present Bill to the instigation of the Anglo-Indian Press. Had not, he asked, the "Statesman" of Calcutta asked for the deposition of Lord Ripon because he pursued a policy of conciliation? Was it not the "Statesman" of Calcutta which came down upon the Viceroy of India because the capital was transferred from Calcutta?

One member asked: Did any Anglo-Indian paper want the murder of Lord Ripon?

Mr. Ranga Aiyar answered that the arrest of Lord Ripon at the Viceregal Lodge was surely worse than murder. Mr. Arthur Moore had quoted many extracts. Did any of the papers quoted enjoy a good circulation? And why did the Government not proceed against the papers? Obviously, they wanted to collect some material from a few influential and unimportant papers and give a bad name to the entire Indian Press. Proceeding, Mr. Ranga Aiyar read out a telegram sent by Mr. Arthur Moore, as leader of the European group in the Assembly and by the leader of the European group of the Bengal Council, to Mr. Ramsay MacDonald, Mr. Lloyd George and Mr. Baldwin stating that "as the Congress had agreed to secession from the Empire, and as the Congress was under the threat of the terrorists, they should not receive Mr. Gandhi in London." He deplored that such a telegram should have been sent, when negotiations were proceeding between Mr. Gandhi and Lord Willingdon. That showed how utterly bankrupt in statesmanship the European group was. Mr. Arthur Moore further gave an interview to the "Madras Mail" representative at Calcutta, in which he pointed out that the Labour Government, since the outbreak of terrorism in India, had shown itself incapable of discharging its responsibility, satisfactorily. That interview, combined with Mr. Arthur Moore's telegram to the British leaders, clearly showed how Anglo-India did not like Mr. Gandhi going to London. But Mr. Gandhi was now on his way to London with the olive branch, not of truce, but of peace as Lord Willingdon put it at the Chelmsford Club Dinner. Mr. Ranga Aiyar proceeding criticised the operative clause of the Bill. He was in complete sympathy with the view that terrorism must be put down, but he objected to a Bill of this description, with too wide and too vague clauses, when the sedition law of the land was quite sufficient. In support of his contention, Mr. Ranga Aiyar quoted extracts from the opinion of Sir Lawrence Jenkins and his own experience as Editor of the "Independent" at Allahabad. So long as Clause 4 of the Bill remained, he would oppose the Bill tooth and nail.

Mr. Ranga Aiyar was continuing in this strain when at quarter to six the President ascertained that he wanted to take an hour more and therefore adjourned the House till Monday.

#### The Viceroy's Address.

14th. SEPTEMBER :—Lord Willingdon's first address to the Central Legislature was delivered to-day. The following is the text of His Excellency's speech :—

"Gentlemen of the Indian Legislature,—As a preliminary to my general remarks, this morning, I wish at once to make reference to the tragic death of Sir S. Pearse, the Chief Commissioner of the North-West Frontier Province, which occurred at Nathiagali on the 9th this month. In him the Government of India have lost an officer of wide experience, sound judgment and immense knowledge of the Frontier, whose services could not be spared at the present juncture. I wish to pay this brief tribute to his memory and to tender to Lady Pears an expression of my deep and sincere sympathy, with which, I am sure, you will all desire to be associated.

I consider it a great privilege and pleasure, as the Viceroy of India, to meet to-day and welcome the Hon'ble Members of both our Legislative Chambers who are gathered here to assist and advise my Government on important matters which will be before them, during this session, for their consideration. I should like to extend a special word of greeting to you, Sir Henry Moncreiff Smith, who, as President of the Council of State, have upheld the dignity and usefulness of our second chamber during the period of your tenure of that high office, and I am delighted to extend an equally sincere greeting to my old friend, the President of the Legislative Assembly, for I feel that it is to me a particularly happy augury that in his person I am renewing an association full of pleasant memories of the days when Sir Ibrahim Rahimtoolah gave me such valuable assistance in guiding the destinies of the Presidency of Bombay.

We are met at a time when the future development and progress of India is engaging the attention of our delegates in London, and we all trust that their discussions with their British fellow-delegates, which have just recommenced, may

produce the best possible results at a time too when both the political, the financial and economic conditions of the country are causing us all the greatest anxiety and concern. It is, surely, a time when, more than ever before, all races, classes, and communities in India should cultivate the spirit of co-operation, of mutual confidence and trust. For, is it not true to say that we all have a great common purpose in view, namely, the handing over to Indians of the responsibility of the administration of their local affairs with a view to securing for India an absolutely equal position alongside the other Dominions within the British Empire?

Let me now give you some information as to such important happenings that have taken place and such fresh problems that will have to be faced since last the Hon'ble Members met for their administrative duties.

I am glad to be able to inform you that, in the field of external affairs, our foreign relations are of a perfectly satisfactory character and that our relations with the foreign States whose boundaries adjoin India continue to be most cordial in every way.

#### INTER-IMPERIAL RELATIONS

Let me turn your attention for a few moments to inter-Imperial relations. As Hon'ble Members are aware, the Government of India deputed the Rt. Hon'ble V. S. Srinivasa Sastri to represent them before the Joint Select Committee of the two Houses of Parliament in London on the question of East Africa. Mr. Sastri gave evidence before the Committee towards the middle of June, and widespread satisfaction will be felt at the fact that on the question of closer union, the views which the Government of India finally authorised him to express on their behalf were in complete accord with those of non-official Indian opinion both in this country and in East Africa. My Government now await the report of the Committee with great interest.

The depression in the rubber and latterly in the tea industry has seriously affected the Indian labourer in Malaya and Ceylon. The Governments of these two territories have shown a commendable spirit of co-operation with us in ensuring that the measure of sacrifice imposed by the economic crisis on the Indian labourer is not proportionately greater than what he can legitimately be expected to bear along with other elements engaged in the industry, and that the labourer who is not prepared to bear his share of the sacrifice is repatriated to this country, free of cost. My Government are watching the economic situation, in so far as it affects the Indian labourer, with constant and sympathetic vigilance, and will do all that lies in their power to safeguard his interests. When the order in council on this subject of the franchise in Ceylon was first promulgated, there was considerable misgiving as to its effect on the Indian aspirant to the vote. It was feared that the requirement of a certificate of permanent settlement would have the effect of debarring a great many Indians from claiming the franchise. Hon'ble Members will be glad to hear that the majority of Indians who have sought admission to the electoral roll have done so, on the strength of domicile, which can be established by a proof of five years' continuous residence in the island. The total number of Indian electors is over 100,000, and it is hoped that, as the Indian population of Ceylon learns to appreciate the value of the vote and of organisation, their numbers will increase. Meanwhile my Government have learnt with great satisfaction that one of the State Council has secured a seat in the ministry.

#### THE CAPE TOWN CONFERENCE

Early in the new year, representatives of the Government of India will meet the representatives of the Government of the Union of South Africa to consider matters arising out of the working of the Cape Town Agreement which was concluded in 1927. As Hon'ble Members are aware, the Union Government, in deference to our representations, have agreed to postpone the consideration of the Bill to regulate the tenure and ownership of immovable properties by Indians in the Transvaal, until after this Conference, which will also consider this projected measure of legislation. My Government are deeply appreciative of the spirit of friendliness, of which this decision of the Union Government is a sign, and earnestly hope that it will help to ensure, for the conference, an issue satisfactory and honourable both to India and South Africa. Non-official Indian opinion, both in South Africa and in this country, has been greatly alarmed by this Bill, as also by certain other legislation of which the recent amendment of the Immigration Act of the Union in respect of the value of Transvaal registration certificates is the most important. The Government of India

are of opinion that there is justification for this feeling, but do not despair of a satisfactory settlement of all these questions, provided the representatives of both the Governments approach them with the earnest resolution to maintain, and indeed, improve upon the friendly relations which the Conference of 1927 did so much to establish. I feel confident that the interests of India will be fully maintained by her representatives under the wise and able chairmanship of Sir Fazal-i-Hussain.

#### FAIL IN PRICES OF AGRICULTURAL PRODUCE

In his speech, at the opening of the Legislative Assembly in January last, my predecessor made reference to the collapse in the world prices of agricultural products and the distress which was thereby being caused. Except in a few cases, there has, I am afraid, been no improvement in the trend of prices since then, and the situation, for a country, which is as dependent as India on the price she realises for the products of her fields, is one of great anxiety. My Government have been watching the situation with concern. I am glad to be able to say that the reports which we have received show that the Local Governments have been adopting vigorous measures to grapple with it. Substantial remissions and suspensions of land revenue have been granted wherever the situation rendered such a course necessary, and similar measures have been adopted in respect of local rates and irrigation dues. In several provinces agricultural loans have been given on a liberal scale and concessions made in the matter of the repayment of outstanding loans, and where necessary, measures have also been taken to open test relief works and to distribute gratuitous relief.

In Madras and the United Provinces, Committees were appointed by the Local Governments to enquire into the existing situation and suggest measures of relief, and the recommendations made by these committees are being given effect to as far as possible. The harvest prospects in themselves, I am happy to be able to say, are promising. The reports which we have received, show that except in Sind, Upper Burma and in particular parts of Bengal, which have recently been visited by most disastrous floods, the condition of crops and the agricultural prospects are generally speaking satisfactory. What, then, is wanted to bring about a general improvement in the situation, is a rise in prices. For that, we must, I am afraid, wait for the revival which, we all hope, will not be much further delayed in the general economic conditions throughout the world.

#### DELEGATION TO GENEVA

India, as one of the original signatories of the Covenant of the League of Nations, has always taken a prominent part in the deliberations of the Assembly; and in accordance with the desire expressed on many occasions by the Indian Legislature, our delegation as is well-known, concerns itself not only with its primary objects of disarmament and peace, but also with other beneficent and humanitarian activities; and in these as well as in the matter of co-operation in economic and social spheres, which form a considerable part of the League's functions, India is largely concerned and her delegates have always evinced therein a lively interest. I am sure I shall be voicing the sentiments of all of you when I wish Sir B. L. Mitter and his colleagues on the delegation every success in the work of the sessions which commenced last Monday.

#### LABOUR COMMISSION'S REPORT

In addressing you last January at Delhi my predecessor referred to the Royal Commission on Labour presided over by my Rt. Hon'ble friend Mr. Whitley which was then engaged in the concluding stages of its work. The report of the Commission has since been published and their recommendations are receiving the careful consideration of the Government of India. After consultation with the Provincial Governments proposals for legislation will in due course be placed before the legislature. The thanks of the Government and the people of India are due to Mr. Whitley and his colleagues for their valuable report, based on a very thorough investigation of the conditions of labour in this country.

I shall also like to acknowledge the invaluable services rendered, on behalf of India at the International Labour Conferences by Sir Atul Chatterjee, who has recently relinquished charge of his duties as the High Commissioner for India. Sir Atul was associated with the international Labour Organisation from its inception in 1919. Out of the 15 sessions of the Conference held so far, Sir Atul attended no less than 11, and from 1926 he has been in addition, the permanent

representative of the Government of India on the Governing Body of International Labour Organisation. His election as the President of the International Labour Conference in 1927 was a signal honour to India,

#### RETRENCHMENT ENQUIRY

I now come to the matter which is that of most immediate practical importance, the financial situation. At the outset, I must express my appreciation of the great services rendered by those chosen by the Legislature to represent them on the various retrenchment committees. This is an occasion on which my Government, in a desire to act in a manner responsive to public opinion as represented in the Legislature, have invited the unofficial representatives to join with them and lend them their support in performing a very difficult, a very unpleasant, but yet a very necessary task. It is with great appreciation that I have been able to note how whole-hearted has been the response to this invitation. During the past months a great number of your members have been devoting themselves in different places to an exhaustive examination of the various fields of public expenditure. Their work has been given ungrudgingly often at great inconvenience and personal sacrifice. One member, the late Mr. K. C. Roy, whose untimely and tragic loss I and all of you so deeply deplore, continued his labours on one of the most arduous sub-committees, almost to the very moment when he was struck down. I am glad to have this opportunity to express the appreciation and thanks of myself and of my Government for the public services thus rendered by all the members of these committees. Their interim reports will receive the most urgent consideration by my Government, for the introduction of practical measures brooks no delay.

#### GOVT'S FINANCIAL PLANS

Let me now say a few words about our financial plans. In the present circumstances, India, like practically every other country, must regard it as her foremost duty to devise means to weather the unprecedented economic storm which is now disturbing the whole world. It is essential, in the interests of the country's credit, that special action in this matter should not be delayed, and you will be informed shortly of my Government's proposals for dealing with the situation. For the present, it suffices for me to announce clearly and decisively, that we are determined to meet the situation adequately and to maintain those principles of sound finance which India has always followed.

This time of constitutional change is not one for making dangerous experiments with untried methods. On the contrary, we shall work on approved principles which, in the long run, always reward those who have the courage and tenacity to hold fast to them. I would add that the rumours that my government propose to meet the difficulties by such methods as lowering the value of the country's currency, are entirely unfounded. The plans necessary to restore the financial equilibrium will inevitably demand sacrifices from all classes, from the highest downwards, and I am confident not only that these sacrifices will be willingly made but that India will emerge successfully from her present troubles. The intrinsic position of India is thoroughly sound. She has not pledged her credit to finance extravagant or unproductive expenditure. Her trade is based on commodities which are necessities for the world, and she can produce them on terms which can compete with any other country. Such difficulties as we must now encounter are caused not by any internal defects, but by an economic cyclone which has come upon all the world, and which no single country, by its own isolated action can alleviate. Our task in these circumstances, is to preserve the situation until the force of the tempest is past, and in order that we may succeed in this task, the one great need is that all classes and communities in India, officials and businessmen, Indians and Europeans, Town and Country should pull together with a common effort. This is a time for all those who are serving India, or who owe to her their political or economic allegiance, to put public interest above all thoughts of private gain or political advantage. This is the appeal which I wish to broadcast to the country. If it is heard, then I can safely prophesy that India will emerge strengthened from her trials, and that in the years to come she will be able to look back upon the present purging process as an event which though painful at the time, was a blessing in disguise. Public finances will have been thoroughly overhauled, and the new constitution will start with troubles of this kind behind it, and with a clear road for improvement in the future.

## THE LONDON DISCUSSIONS.

The eyes of India are now fixed on those statesmen who are sitting in London and carrying on the work of constitutional reform which received such an auspicious beginning last Winter, culminating in the announcement of His Majesty's Government on the 19th January which went far ahead of my previous declaration of their policy and set the stage afresh for co-operation in the great task of Indian constitutional reform. The delegates attending the Conference will be confronted with many difficult details, but it is a matter of the greatest satisfaction to know, that every party is now represented at the Round Table Conference and it is my earnest hope that in regard to constitutional matters, including an agreement on the communal question to the satisfaction of all communities, especially the minorities, the safeguarding of whose rights has been assured by His Majesty's Government.

I would point out that in matters affecting the reforms, my Government has not been idle. Since the adjournment of the Round Table Conference last Winter, apart from the material supplied to the Secretary of State, it has set up enquiries on the lines directed by the Conference. The experts' proposals on the financial consequences of the separation of Burma have been submitted for consideration to the Standing Finance Committee. Copies of the report of the Northwest Frontier Province Subjects Committee have been supplied to all the members of the legislature. The recommendations of the Committee have been conceived on generous lines and will it is hoped meet the aspirations of the Frontier Province to stand on a position of constitutional equality with the other provinces. The Sind financial enquiry is now in progress, and plans have already been made to set up the Orissa Committee during the cold weather. The Federal Structure Committee in London has already resumed its labours accompanied by the good wishes of all in India, and I must emphasise, once again, the supreme desirability of maintaining peaceful conditions in India during the discussions which are now taking place, and I appeal with all the emphasis at my command, to those who have the interests of this great country at heart, to preserve an atmosphere of peace and tranquillity.

## TERRORIST OUTRAGES

We must all have been shocked and horrified at the brutal and senseless murders and attempts to murder which have taken place in this country during the last few months, and I am sure we should all wish to express our deepest sympathy with the families of Mr. Garlick and Khan Bahadur Ashanullah. Lieut. Hext who have all met their deaths at the hands of these assassins and by whose deaths we have lost three officers who, in their several ways, were giving valuable service to this country and the British Empire. I think too that we should wish to express our feelings of grateful thanks for the providential escape, from death, of His Excellency the Governor of Bombay. A disquieting feature of these tragic happenings, lies in the fact that these outrages have been committed, for the most part, by immature youths who, at the most emotional and susceptible time of their lives, are being literally exploited, through the teachings and writings of revolutionary leaders, to carry out their criminal and murderous designs. While the local Governments are primarily concerned in the arduous and dangerous task of combating this movement, I feel that they are entitled to receive all the assistance, within reason, that we are able to give. I am confident that I and My Government, in the performance of our manifest duty, can rely on the support of the Hon'ble Members in taking all necessary and reasonable steps to stamp out these terrorists and revolutionary activities which are destroying the fair name of India in the eyes of the world.

## BURMA SITUATION

I am glad to be able to inform the Hon'ble Members, that the situation in Burma which has, for months past, been causing us much anxiety and concern, has, within the last few weeks, been showing signs of marked improvement. It is a matter of particular gratification that there has been a cessation, which I hope will be maintained, of racial and communal strife. I profoundly trust that, before long, peaceful conditions will once again be the happy lot of that province. I am sure you would wish me to express our thanks to the officers and men, both of the Army and the Police, for the admirable way in which they have carried out their duties under most difficult and trying conditions. While we must all sympathise with His Excellency the Governor of Burma and his Government and the difficulties that they have had to surmount, I can confidently assure you that their one desire is to get back to

normal conditions, as soon as possible, to pursue a policy of clemency as far as circumstances will allow and to take all practicable measures for relief of the economic distress.

In leaving you to carry on your duties, I trust that the great Providence may guide you in your labours, and that the results of your deliberations may prove of lasting benefit to your country and to all classes of its people.

### Debate on the Press Bill

After the Viceroy's address had been delivered, the Assembly re-assembled at 12-15 p. m. and resumed discussion on the Press Bill. *Mr. C. S. Ranga Iyer*, continuing his speech, referred to the Viceroy's address and said :—

"We on the Opposition benches fully agree with His Excellency that young men with immature ideas were being exploited by terrorist leaders. I, on behalf of the Opposition, assure the Government that we will give all necessary and reasonable support to stamp out the terrorist movement from India, as we are convinced that terrorist crimes are hampering the country's progress." Proceeding, *Mr. Ranga Iyer* said that the measure before the House was neither necessary nor reasonable, and therefore would not receive their support. He maintained that the Bill was powerless to stop terrorist crimes in India. Youngmen were influenced, not by the Press, but more by the platform. Why should there be one law for the platform and another for the Press? *Mr. Ranga Iyer* next referred to the speech of *Mr. Ghuznavi* on Saturday last and said that he had since received a telegram from the Mayor of Calcutta, pointing out that the statement that children in Corporation schools were made to repeat "Beat the Englishman" was totally false. The speaker next referred to the resolution of the Congress Working Committee and said that it was not proper for the Government to proceed with the Bill while *Mr. Gandhi* and other delegates to the Round Table Conference were out of India. *Mr. Ranga Iyer* said that they were not a party to the truce, but were mere spectators. Sometimes, however, the spectators saw more of the game than the participants, and he was afraid that the Government was not playing the game. In the next 6 months, he said, it would be decided whether the Government of India and the Government in Britain stood between *Mr. Gandhi* and the light of the world. If *Mr. Gandhi* came back with Dominion Status in his hands there would be no need for a press measure of this kind, for then the agitation would have ceased and the people would be in power. It had been said that even self-governing India would need a measure of this kind, were the same circumstances to prevail. The circumstances that existed to-day would have disappeared with the achievement of their object, namely self-government, and in a self-governing India there would be an atmosphere of non-violence. Where, however, violence and terrorism reared up their heads, the difference from present conditions would be that a Government responsible to the people and prepared to take public opinion with them would be bringing an wider measure.

In conclusion, *Mr. Ranga Iyer* said that were the Civil Disobedience movement to restart again, sub-clause one of Cause four of the Bill could be exploited by an ingenious executive for the suppression of votaries of civil disobedience in the press. *Mr. Ranga Iyer* wound up by reminding that *Sir C. P. Ramaswami Iyer* at the Lucknow Congress, fifteen years ago, had moved a resolution for the repeal of the Press Act, quoting Milton's famous lines from *Areopagitica*, and wondered at the turn in the wheel of politics. (Applause).

*Sir C. P. Ramaswami Iyer*, Law Member, followed *Mr. Ranga Iyer* and made a powerful speech in which he attempted to clear a good deal of the misapprehensions surrounding the Bill. At the outset, he joined *Mr. Ranga Iyer* in paying a tribute to the Viceroy for the great lead given in his speech which was characteristic of His Excellency's optimism for the future of this country. Referring to the flattering and also embarrassing statements of *Mr. Ranga Iyer* about him (speaker), *Sir C. P. Ramaswami* affirmed that he had not departed from the ideals for which he stood fifteen years ago. If he had, he would not have gone to the Round Table Conference, nor stood there to-day for what he regarded as a duty to the country. *Mr. Gandhi* himself had spoken in scorn and anger against those who debated that the profession of journalism directly or indirectly encouraged violence. Let it not be ignored that Congress had condemned violence, and that *Mr. Gandhi* was no admirer of terrorism. There was thus no intrinsic breach of the Delhi Pact.



Mr. Ranga Iyer who had repeatedly stated that he was the President of the Upper India Journalists' Association had done himself less than justice when he stated that the power of the Press was nothing compared to the influence of the platform. But Sir Ramaswami affirmed that in India the press, both English and vernacular, exercised influence out of all proportion to the numerical circulation of the paper. Who could deny that every day in obscure villages journals were read and commented upon and re-read so that back numbers of journals were in fact live issues? The present bill was not intended to strike at the liberty of the press. It was an essentially one topic Bill because it was confined to dealing with terrorism and act of violence. Proceeding, Sir C. P. Ramaswami compared the old press with the present one and emphasised that the Indian press could not be thrown out of the gear. The object of the Government was to see that there should be a live, active and responsible press and that press in India should be purged of its excrescences.

On an interruption by Mr. B. Das, Sir C. P. Ramaswami Aiyar said: "I shall invite my friend to compare the old Press Bill with the present one and find out for himself whether the present one is not confined to terrorism only, while the old one was more comprehensive. The evil is undeniably there, and the question is how it should be met. There might be the cult of violence continuing in India even after Dominion Status was achieved. For, was it not a fact that in Ireland after it got Home Rule the cult of violence had not died down, and the Irish Government was compelled to take stern measures for the protection of the people?"

But violence was opposed to Indian culture, whether Hindu or Muslim. Violence was disfiguring the political and social life of the country. Sir C. P. Ramaswami quoted a few telling sentences from writings in the press, and said that the Government's object was to eradicate and suppress the mentality which was responsible for such writings.

The opinion of Sir Lawrence Jenkins about the old Press Act had been quoted but let it be remembered that those opinions were confined to writings in the "Comrade" case. There was the fundamental difference between the old Press Act and the Present Bill. Government was prepared for any suitable amendment to clause four in the Select Committee provided the object was fully served. It had been argued why Government had not prosecuted the papers which were responsible for incitements to violence. Speaking as an ex-journalist, Sir C. P. Ramaswami said that Government did not want to give advertisement to obscure journals and journalists, but the sum total of their obscenity was a dangerous notoriety which required to be curbed.

Before Sir C. P. Ramaswami had completed his sentence, Mr. Amarnath Dutt asked the Law Member whether the Editor of the "Statesman" was aware of the fact that the policy of Government was not to proceed against newspapers lest they got advertisement.

Sir C. P. Ramaswami: If the Editor of the "Statesman" indulges in such manner as to bring himself within the ambit of the law no Government worth its salt can refrain from proceeding against the paper. (Cheers, in which Mr. Arthur Moore joined). Continuing, Sir C. P. Ramaswami appealed to the Assembly for co-operation so that the Bill might be referred to the Select Committee, and there amendments might be made so that violence which was opposed to their culture might be put down (applause).

Sir Hari Singh Gour said that Government had not shown and proved that the objectionable passages quoted had directly resulted in some murder.

The Home Member replied that in several cases young men arrested for terrorist crimes had stated that the idea of the crime was infused in them through reading certain passages in newspapers.

Sir Hari Singh Gour: This is not shown in the extracts supplied to the members. None could say what sort of confessions they were and how they were made. Proceeding, Sir Hari Singh Gour said that Government should have made a difference between the English and Vernacular press as it was the latter section which offended most. He further submitted that the offenders could be dealt with under the ordinary law and at most by amending the Criminal Procedure Code.

The Home Member: Does the Member propose a permanent instead of temporary measure to deal with the situation?

Sir H. S. Gour: Under the Criminal Procedure Code the High Courts would have revisional powers for all times, which are denied under the Bill. The Opposition, he said, was not prepared to arm the Executive with unlimited powers. They

wanted judicial control over executive decrees. There should be judicial control not only in demanding securities, but also in fixing the amount of security. On the other hand, security from new presses was made the rule and exemption an exception. There were no directions given in the Bill to District Magistrates as to how to exercise his discretion.

Sir Hari Singh Gour, continuing, contended that the Bill would not only cure the liberty of the press, but would also hamper the development of the printing industry. Further the bill starts with the assumption that the owner of a printing press is suspect without giving him a chance to prove his innocence. Sir Hari Singh Gour said that words like "encouragement" of crime and "involving violence" were too vague and wide in the Bill with the executive as the sole judge to interpret them. He said that if Government wanted the Opposition to support the bill they should make provision for High Courts to be judges for the amount and the demand of security which should be commensurate with the ability of the press to pay. He wanted some other than forfeiture penalty and also press advisory councils in each province to determine whether security should be demanded, and if so the amount of that security. He supported the motion for circulation.

Sir *Conasji Jehangir* divided terrorist crimes into three categories. The first was of those who were opposed to the Congress policy of non-violence. This section of terrorists, he opined, would disappear the moment India got Self-Government. The second section was of those who followed the Doctrines of Moscow and were opposed to all constitution. "This class of terrorists my countrymen would fight after they had got Self-Government by giving a due share of his labour to the farmer and the labourer." The third class of terrorists consisted of those misguided youths who wanted cheap martyrdom by indiscriminate shooting with pistol. The bill was aimed to save these young men from falling a prey to pernicious doctrines preached by a section of the press. But before they lent support to the Bill they should see it did not become an instrument of terror to the journalists of India. He supported the motion for circulation.

Mr. *Jayannoth Aggarwal* felt that the Bill was worse than censorship as under it a man would become suspect without trial and without offence. Security without judicial trial was the most odious feature of the Bill to which they strongly objected. The speaker next referred to an article in an English edited Indian journal in which it was stated: "If every time a Hindu youth murdered a British official a young Englishman retaliates by murdering a Congress leader, the effect would be deplorable but there would be no inequality of justice," and "the lesson to be drawn from the Chittagong affair is that if the policy of terrorism is to be pursued it will not long remain one-sided."

Sir *George Rains* said that he preferred not to take the assistance of Mr. B. Das, who was a worthy colleague, but with an abnormally suspicious mind. The speeches of Mr. Ranga Iyer and Mr. Aggarwal contained arguments in favour of his motion for the reference of the bill to a Select Committee. Both of them had quoted certain writings in the Anglo-Indian press. That showed, said Sir George, that there was need for control; and the passage quoted by Mr. Aggarwal was an instance to prove that unless the language of the operative clause was wide, the Bill would be useless. The object of legislation must be to prevent obvious evasion. Mr. Ranga Aiyar had asked why they let the platform go and attacked the press. Did that mean if the Government brought forward a measure regarding speakers who incited people to violence, then Mr. Ranga Iyer would support the Government? (Applause from European benches). Concluding, Sir George said that if there were good reasons for legislating, then there were good reasons for legislating at once, and the support of the Bill by the Central Legislature would go a long way in giving encouragement to officers in the discharge of their duties.

The debate was not concluded when the House adjourned.

#### AMENDING SECTION 144 CR. P. C.

**15th. SEPTEMBER:**—After interpellations to-day, Mr. *Gaya Prasad Singh* moved for reference to a Select Committee of the Bill to amend the Code of Criminal Procedure, 1898, opinions on which had been received since the Delhi session. The object of the Bill was to see that no order was made by a Magistrate under section 144 of the Code so as to restrict the right of any person to convene, attend or take part in a

public or political meeting unless the magistrate found on evidence duly recorded that such direction is necessary to prevent obstruction or injury or annoyance or danger to human life or disturbance of public tranquility or riot or affray. No such order, if made 'ex parte,' would remain in force longer than forty-eight hours.

Mr. Gaya Prasad Singh drew pointed attention to the fact that the opinions received were almost wholly from the local Governments and officials and said that his apprehensions had turned true. He asked the Home member the names and number of the non-officials consulted. The opinions so far received on the Bill were distinctly antagonistic to it. Some High Courts had gone out of their way to criticise after all what was a question of policy. One of the judges in U. P. had at least conceded that the existing law was open to abuse. In Bihar and Orissa almost all the Bar Associations favoured the Bill. He took exception to the language used by a Commissioner of a Division in Burma attributing motives to him.

Mr. A. Hoon said that the mischief done by the abuse of the law was more dangerous than by a few private people. There was no intention to curtail powers of magistrates under the bill as the provision for 'ex parte' orders would remain. Considering the fact that immature young men were often put in charge of districts the House had a right to see that there was no abuse of the law.

Sir James Creer, opposing the motion, said that the opinions collected on the bill were overwhelmingly against the measures and the House should be guided in their judgment by those opinions. He held that the safeguards, proposed by the mover, would render the power of the magistracy absolutely useless and ineffective.

The House rejected the motion for a Select Committee without division and rose.

#### Press Bill Referred to Select Committee

16th. SEPTEMBER:—The Assembly without division referred the Press Bill to a Select Committee, barring a few dissentient voices. But previous to this the circulation motion by Mr. B. Das was rejected by 73 against 31 votes. Sir James Creer, in winding up the debate, stated that the object of the Bill was to prevent writings which incite or encourage murder or crimes of violence or which express approval or admiration of murder or crimes of violence or those who commit such offences. Subject to the effective attainment of this object the Government's earnest desire was that the Bill should cause as little inconvenience as possible to the press.

#### MORE BILLS

On the motion of Mr. Shilldy, Sir Lancelot Graham and Sir Fazli Hussain, the House passed the *Bills to amend the Indian Mines Act, to extend the powers of the Sheriff of Calcutta, to amend the Indian Succession Act and to amend the Aligarh Moslem University Act.*

When Sir George Schuster moved for consideration of the *Bill to amend the Land and Customs Act*, Mr. B. Das asked for an assurance from the Government that the salt concessions granted under the Irwin-Gandhi agreement would not be jeopardised and salt smugglers from Indian States would be adequately punished. Sir George Schuster assured that there was no intention of going back on the Irwin-Gandhi agreement in the matter of salt concessions, but he hoped there would be no salt smuggling under that agreement. As regards smuggling through Indian States, the Finance Member asked Mr. Das to bring in an amendment if he regarded it necessary.

The Bill thereafter was taken into consideration and passed. The Assembly then adjourned.

#### A CONSTITUTIONAL GOVERNOR-GENERAL

17th. SEPTEMBER:—In the Assembly Sardar Harbans Singh, after a short debate, withdrew his resolution by which he wanted to convey to his Majesty's Government the opinion that no constitution would be acceptable in which the position of the Governor-General does not closely approximate to that of the constitutional Governor-General of Canada. The mover read in his Excellency Lord Willingdon's speech on the 14th. September a change of policy.

Sir George Rainy, Leader of the House, explained that the Government of India's policy was the same as the Premier's declaration of the 19th January, 1931, which was generally accepted as the basis of the structure of a new constitution.

## HIGH COURT A CENTRAL SUBJECT

The House by 28 against 19 votes adopted the resolution of Mr. Amarnath Dutt recommending that High Courts be made a central subject in the future constitution. Government members, other officials and also a few Independents remained neutral. Sir James Crerar informed that the High Courts which were recently consulted offered a diversity of opinion.

## CONTROL OF MONEY-LENDING

Sir Mahomed Yakub moved a resolution urging on the Government legislation with a view to control money-lending and unrestricted usurious rates of interest. Sir Mahomed Yakub said that the money-lending system was responsible for the present deplorable condition of the ryot in India and agricultural indebtedness had assumed alarming proportions in recent years. After giving figures of indebtedness of various provinces in India, Sir Mahomed Yakub said that unless the Government came to the immediate rescue of the cultivator they would have to grant further remissions of land revenue in the next year also.

Sir James Crerar saw the justice of the case specially in the present days of low prices. He also knew that the evil was not confined to the agriculturist but was a widespread one. But the Home Member felt that the question could not be attacked on the lines proposed by the resolution. He was, however, willing to give an assurance that the Government had considerable sympathy with the resolution and were willing to enquire from the provincial Governments in regard to the working of the Usurious Loans Act and whether they considered any amendments necessary. The Government could not institute any enquiry at the present time, but Sir James Crerar hoped that with his assurance Sir Mahomed Yakub would withdraw the resolution.

The debate was proceeding when the Assembly rose.

## Press Bill Select Committee Report

21st. SEPTEMBER :—Sir James Crerar presented the report of the Select Committee on the Press Bill in the Assembly to-day. The Report was signed by eleven members together with a dissenting minute by 5 members. The following is the text of the Report :—

The title and the preamble had been altered so as to read : 'A Bill to provide against publication of matter inciting or encouraging murder or violence.'

Clause 4 which was the operative clause was recast as follows :—

(1) Whenever it appears to a local Government that any printing press in respect of which any security has been ordered to be deposited under section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representation which—

(A) incite to or encourage the commission of any offence of murder or any cognizable offence involving violence, or

(B) directly or indirectly express approval or admiration of any such offence or of any person real or fictitious who has committed or is alleged or represented to have committed any such offence, the local Government may, by notice in writing to the keeper of such printing press, stating or describing the words, signs or visible representations, which in its opinion are of the nature described above,—

(a) Where a security has been deposited, declare such security or any portion thereof to be forfeited to his Majesty ; or

(b) Where a security has not been deposited, declare the press to be forfeited to his Majesty and may also declare all copies of such newspaper, book or other document, wherever found in British India, to be forfeited to his Majesty.

*Explanation :—*No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).

(b) After the expiry of 10 days from the date of issue of a notice under sub-section 1, declaring a security or any portion thereof to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act of 1867 shall be deemed to be annulled.

The committee recommended the life of the Bill for a period of one year, in the first instance, and extension by the Viceroy for one year only and no more.

Sub-clause 3, as amended by the select committee, gives a magistrate power to demand a security but requires him to give the reasons for so doing. They do not, however, as a committee propose that his order should be open to a judicial appeal. The security to be demanded has been reduced to a maximum of Rs. 3,000 and minimum of Rs. 1,000 as these amounts are sufficient to secure good behaviours from the type of the presses in question. Ten days' period is allowed to the keeper of a press to furnish the security demanded. In all cases where a security has been given by a new press and that press publishes no objectionable matter for three months, the deposit will be returned. An application to the High Court can be against all orders whereunder presses are required to furnish security under sub-clause 3 or clause 3 and the local Government would be required to state or describe the offending matter on which it bases its demand for security. The forfeiture of press is permitted in the case of a press which does not furnish a security, but an application to the High Court will lie against the forfeiture. So long as the keeper of an offending press furnishes a security his press will never be subject to forfeiture.

#### DISSENTING MINUTE

The dissenting minute by Sir Hari Singh Gour, Mr. C. S. Ranga Iyer, Mr. B. R. Puri, Mr. Setharama Raju and Mr. A. Hoon was aimed at explaining the points of difference from the majority in the light of which they sought further revision of the Bill. They thought that the preamble is too wide and susceptible of misconstruction and, therefore, suggested the addition of qualifying words like 'certain acts of violence' in clause 1.

In clause 4 they objected to the words, 'of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence' as being wide. This clause should be amended in order to suit the dominating purpose of clause (a).

As regards clause 3 the principle requiring a new press to give security was unsound and the dissenters observed that every press must be presumed to start with innocent intentions. If it abused its privilege then it could be dealt with as provided in clause 3.

The magisterial order demanding security from a new press should be appealable to the High Court and the proceedings before a magistrate though summary should be of a judicial character, so that the accused could show cause before any order to his prejudice is passed. Regarding clause 5 which empowered Government to demand further security up to Rs. 10,000 the minority observed that this sum was excessive. As regards clause 7 they observed that only one security should suffice in respect of one newspaper and not both from the editor and from the printer.

#### CHEMICAL INDUSTRY

Sir George Rainy moved for the consideration of the Bill providing for protection to heavy chemical industry. He said this protection was only for 18 months before the end of which period the Government enquiries ought to be complete in order to judge the prospects of successful establishment of manufacture of artificial manures in India. The imposition of duties during this period would give assistance and enable industry to reorganise itself, if possible, in one centre like Bombay or Calcutta. If the authorities responsible for the management of railways had before them a definite proposal for the establishment of manufacture of chemicals at a suitable centre and were satisfied that the firm in question had an adequate capital and proper financial backing, then the question of reduction in the freight rates became a matter of business. But the railways could not reduce the freights in the manner recommended by the Tariff Board on the off-chance of a hypothetical capitalist turning up to take advantage of it, because there the loss to railway was certain. As regards magnesium chloride Sir George Rainy said that the firm engaged in the manufacture of this chemical had succeeded in bringing down its costs to a point at which they might expect that at all the normal periods when the prices not progressed for abnormal reasons it would in the long run be entitled to protect.

Mr. Mody moved an amendment which empowered Government to raise the duty on magnesium-chloride without reference to the Assembly.

Sir George Rainy said Government was not anxious to possess the power, but left the decision in the hands of the House. He added that it was true that some

years ago there were wide fluctuations in the prices of Magnesium-chloride, but for the last three years the market had been steady. Moreover, magnesium-chloride was not such an industry which required much capital and to which little competition could do irreparable harm.

Messrs. Jog and B. Das supported the amendment which was adopted by the House and the amended bill was passed.

#### ENHANCED CUSTOMS COLLECTIONS

Sir George Schuster next moved the passage of the bill, the purpose of which was to extend the period under which customs collections at an enhanced rate could be made after the Finance Bill was introduced. After Sir George Schuster had outlined some of the changes which through the bill was made in the existing law of the land the Assembly passed the bill.

#### FOREIGN RELATIONS BILL

Mr. Howell next moved consideration of the Foreign Relations Bill. At the outset he made it clear that the bill had nothing to do with Indian States and their Rulers. Proceeding, he said he stood at some advantage to-day to deal with the measure as the House, by rules, was debarred from discussing the foreign and political relations of the Indian Government. The Foreign Secretary said that the absence of legislation in England did not mean that the office was regarded as trivial there. The subject was covered by the common law of the land which was still uncodified to a large extent. He, however, quoted instances of other foreign Governments which had statutes similar to that proposed by him to-day. Referring to India, Mr. Howell said it was true there was no legislation so far in this country. But conditions within the last few years had changed. He reminded the House that three years ago his predecessor Sir Denys Bray had brought in a bill amending section 500 of the Indian Penal Code which had the same object as the present bill. That bill, however, was dropped on account of the strong opposition that then existed. Writings in certain sections of the press against foreign potentates within the last year had compelled the Government to promulgate the Foreign Relations Ordinance. He invited the House to study the files of some of these newspapers before the ordinance was promulgated, and said that they would be convinced of the need for the measure. Under the ordinance six prosecutions were launched, all of which were *sub judice*. Mr. Howell continued that the bill was not designed to protect any particular foreign ruler, but to give effect to the international obligations of the Government of India. The bill, he admitted, did put some restraint on the press, but did not gag it from *bonafide* criticism, nor inflicted penalties like forfeiture of the press or securities. He wanted the House to visualise the effect of unrestrained criticism, which, he said, might lead to a civil war in neighbouring countries or lead to international war or overthrow of the existing order of society. If the House wished to have cordial relations with their neighbours they should support the bill. Referring to the hurrying through of the bill, Mr. Howell said that the Foreign Relations Ordinance would be expiring on Oct. 15 and unless the bill was passed by the Assembly they would be compelled to renew the ordinance. He appealed to the House and to the journalists outside to think internationally and support his bill.

Mr. Maswood Ahmed moved an amendment that the bill be circulated for eliciting public opinion by Jan. 1 1932. By this time it was 4 o'clock and the President adjourned the debate to the next official day.

#### FIRING AT DETENUS

Mr. S. C. Mitra then moved his adjournment motion to discuss the shooting in Midnapore Jail. In doing so, he felt surprised that the Government were still not in possession of the facts of the happenings of Sep. 16. He referred to the communique of the Bengal Government which did not allege that the detenues wanted to escape from the camp. He said that even supposing that there was an attempt to escape from the camp by them, none could blame them for it, for they had been arrested on mere suspicion and kept in detention for an unlimited period. When the Government had no case against anyone they put him in the detenues' camp. He warned the Government against their policy which, he alleged, was instigated by the Anglo-Indian press. The policy of the Government was to crush these people. It was happenings like these which led to assassinations. The House agreed the other

day to condemn assassinations and they should do so to-day also. For assassinations were assassinations whether they were perpetrated by Government or by some misguided youth. He said in conclusion that he would withdraw his motion if the Government promised a full enquiry into the affair.

*Sir James Crerar* reiterated the objection to the discussion of the affair when investigation into it was still proceeding, and there was no necessary data to arrive at considered conclusions. The mover had imputed the motive that the speaker was not disclosing the facts. All that he had was a telegram from the Bengal Government giving provisional details, as the enquiry was still proceeding and further evidence was still to be taken. *Sir James Crerar* read out the telegram which was very imperfectly heard in the gallery. The Home Member proceeding stated that his own inference from those provisional details was that the police officers concerned acted in the discharge of their immediate duties of maintaining peace and order in this place where there was a disturbance of a serious kind and that they acted in the discharge of the lawful privilege of private defence.

*Mr. Amarnath Dutt* analysed the Government communique issued soon after the occurrence and said that the occasion did not justify firing.

*Mr. Arthur Moor* said that Europeans took a serious view of the detention camps which were simply dangerous revolutionary clubs. The Bengal Government wanted power last winter to extern such detainees who were considered to be dangerous. But in view of the Delhi Pact, the Government did not proceed with the bill and sent it for circulation which was a purely dilatory motion. The situation in Bengal had become serious and the local Governments instead of being asked to send their detainees to other provinces should have power to send them outside the province concerned and outside the main line of India. Otherwise it would be difficult to exercise proper control over the detention camps. The European community throughout Bengal felt that the Government were apparently unable to preserve law and order and protect its own servants and this feeling was far greater, deeper and more determined than was realised. There was an atmosphere of suggested violence in Bengal and the European Association at Chittagong favoured the application of the Frontier Crimes Regulation to Bengal.

*Mr. B. Das* objected to sentries being placed to shoot down innocents. He thought the sentries merely carried out the policy of the Government. He pleaded for an impartial enquiry by High Court judges.

*Sir Abdur Rahim* related the facts as available to the public through the official communique. He referred to the Home Member's speech who wanted them to treat the subject as *sub judice* and asked the Government whether it would be a judicial enquiry.

*Sir James Crerar*.—No, Sir.

*Sir Abdur Rahim* said then it was a purely departmental executive enquiry and unless the Government gave them an assurance that they would appoint a judicial enquiry which enjoyed the confidence of the public they would support the motion.

*Sir Hari Singh Gaur* felt that the enquiry set up by the Government did not enjoy the confidence of the public and it would be conducive to the ends of justice if a judicial enquiry was appointed.

*Sardar Harbans Singh* said had the victims been some Europeans the telephone and telegraph lines would have been busy and Government would have come out with another Public Safety Bill. It was a pity that two Indians were shot dead and the Government after five days pleaded that they were still not in possession of full facts.

After *Mr. Mitra's* reply to the debate, *Sir James Crerar* said it was wrong to say that the motion would have no effect on Government. It certainly would, as it would be a censure motion. He did not admit that a magistrate could not hold an impartial enquiry. Government had already set up an enquiry and unless they had its report before them they could not arrive at considered conclusions.

*Sir Abdur Rahim* asked if there would be an open impartial enquiry.

*Sir James Crerar* said it was impossible to say whether the results of the preliminary enquiry would lead to a judicial enquiry or not. He could not commit the Government of India or the local Government on this matter.

The House divided and rejected the motion by 58 votes against 38. The Assembly then adjourned.

#### CONTROL OF MONEY-LENDING

22nd. SEPTEMBER :—The House to-day resumed the discussion on *Sir Mahomed*

Yakub's resolution urging immediate legislation to control money-lending and unrestricted usurious rates of interest in India.

*Sir Fazl-i-Hussain* held it impossible to develop agriculture without the help of money-lenders. He had identified himself with rural interests in the Punjab and knew some of the difficulties they would have in the registration of money-lenders. On the other hand the whole case of the debtor rested on regulating the keeping of accounts which had recently been secured through an Act in the Punjab. *Sir Fazl-i-Hussain* said that the Banking Enquiry Committee had recently recommended that the question of introducing a similar measure in other provinces should be explored and he assured the House that the Government would very shortly invite opinions of the provincial Governments on the subject. He also reiterated the assurance of the Home Member that the Government would consult High Courts in order to ascertain whether any amendments were necessary to the Usurious Loans Act. With these assurances he hoped *Sir Mahomed Yakub* would withdraw his resolution.

The resolution was withdrawn.

#### BURMA REBELLION

*Mr. Rajaram Pandian* next moved for a committee of officials and non-officials to enquire into the cause of the Burma rebellion and suggest methods of removing them as also to make proposals for awarding compensation to all those who suffered damage in person or property. *Mr. Pandian* moving the resolution said that the propaganda for separation of Burma from India was largely responsible for the rebellion and had done considerable harm to the lives and property of Indians in that country. Indians were in a state of insecurity there and this caused a great deal of anxiety to their relatives in India. Thousands had already returned to India with considerable hardship suffered at the hands of Burmans. He felt the action of the local Government was not quick and methodical to deal with the trouble and protect Indians.

*Mr. Laish* (Burma official) said the rebels did not mark Indians as their special targets. They were attacked along with others. The causes of the rebellion, he opined, were the acute trade depression and the great fall in the price of paddy. The situation was aggravated by the attitude of the money-lender class who were mostly Indians. It was, therefore, not unnatural that Burmans resented the prominent position of foreigners including Indians at a time when the whole country was in the grip of an economic depression and in a state of rebellion. He counselled the House that the appointment of a committee might only lead to the revival of the anti-Indian feelings.

*Mr. Tun Aung* appended to the House not to revive the question of communal feelings in Burma through the committee of enquiry. He admitted that there had been cases of loot and murder but said that when the sole object of the people was loot they could not discriminate between one community and another. *Mr. Tun Aung* said the accounts of the Burma rebellion were magnified and it was not Indians alone who were the victims.

*Sir James Crear* said the House had been fully acquainted with the affairs in Burma and there was no immediate purpose in appointing a committee of enquiry which was bound to rekindle the fire of communalism which was just about to die down. It was undesirable that the energies of Government officials should be devoted to preparing the case for a committee of enquiry when all their might was needed for the work of reconstruction.

The resolution was withdrawn.

#### IMPERIAL BANK—NEED FOR ENQUIRY

*Mr. Ramkrishna Reddy* moved the last resolution urging for a committee of enquiry into the working of the Imperial Bank. The mover said the bank was the creature of a statute of the Central Legislature and enjoyed the benefit of Rs. 20 crores deposited by Government without interest. He held that the expectations of the Government in inaugurating the bank had not been fulfilled.

As *Mr. Reddy* was proceeding with the speech it was brought to the notice of the Chair that there was no quorum in the House. The President after counting the number of members present adjourned the House.

#### FOREIGN RELATIONS BILL.

23rd, SEPTEMBER:—The Foreign Relations Bill was discussed to-day in order to decide whether it should be taken into consideration or circulated for opinion.



Mr. Massoud Ahmad concluded his speech in favour of the circulation of the Bill.

*Sir Hari Singh Gour* launched a vehement criticism of the bill and concluded with an expression of readiness to agree to a select committee in order to remove the obvious defects. He drew attention to Clause 2, which was the operative clause, and pointed out that it did not tally with the statement of objects and reasons of the bill, for the statement of objects clearly aimed at placing the present bill on the lines of English law. There was no mention in the operative clause that the object was to deal with libel or defamation but only with a statement likely to promote unfriendly relations. Apart from that the person who was to decide on the likelihood of promoting unfriendly relations was the district magistrate and not the head of any foreign state himself. The bill related to foreign relations and Dr. Gour contended that the Indian states were also foreign states and under the law of foreign jurisdiction there was nothing to prevent this bill from being applied against the Indian states although the Foreign Secretary had affirmed that it would not.

*Sir C. P. Ramaswami Iyer*, Law Member, welcomed the co-operation of the Opposition benches to alter the bill in the select committee and promised on behalf of the Government to accept the select committee's motion, if made. But he would not let go *Sir Hari Singh Gour's* observations that the bill was opposed to the statement of objects and reasons. The Law Member quoted the language of the Foreign Jurisdiction Act and affirmed that under no circumstances should the bill be meant to apply to the Indian states. The Law Member also read the American law and English law and pointed out that the object was fully set forth both in the statement of objects and reasons and the operative clause of the bill was the same.

*Sir Abdur Rahim* was opposed to the suggestion for a select committee on this bill without consulting public opinion and affirmed that at least Mohamedan opinion throughout India must be obtained before proceeding with the measure. The bill contained an operative clause which was very vague and wide. When able lawyers like *Sir Hari Singh Gour* and *Sir C. P. Ramaswami Iyer* differed in their respective ideas as to the object and scope of the bill what could a district magistrate who had to decide as to the offences under this bill do?

*Mr. Walayatullah* strongly pleaded for circulation of the bill as Muslim opinion must be consulted. The Khilafat question being still unsettled, the Muslims in India might have also to criticise any restrictions in the way of pilgrimage to Mecca. It was, therefore, necessary that the views of responsible Muslim organisations be obtained before proceeding with the bill.

After several speeches had been made the closure was accepted by the Chair and the motion for circulation was lost by 35 votes to 58. The House thereafter accepted the motion to refer the bill to a select committee consisting of *Mr. Howell*, *Mr. Graham*, *Sir Muhammad Yakub*, *Haji Ismail Ali Khan*, *Mr. Chetty*, *Dr. Shurawardy*, *Mr. Hariraj Sarup*, *Mr. Elliot*, *Mr. Gaya Prasad Singh*, *Mr. Lalchand Navalrai*, *Mr. B. R. Puri*, *Mr. Jagannath Aggarwal*, *Haji Mr. Abdulla Haroon*, *Mr. Jog*, *Mr. K. Ahmed* and the mover. The Assembly then rose for the day.

#### BAR COUNCILS ACT AMENDMENT BILL

**24th. SEPTEMBER :—**Non-official bills including *Sir Hari Singh Gour's* Bar Councils Act Amendment Bill were on the agenda paper when the Assembly met to-day.

*Sir Hari Singh Gour* moved a reference to a select committee of the bill amending the Bar Councils Act in order to introduce a new clause that King's counsel means a person so appointed from among the legal practitioners in India. The object of the measure, according to him, was to move the anomaly under which English and colonial barristers were raised to the rank of King's counsel though they might be much junior in seniority and standing to their conferees in India but had become entitled to the rank above them and the latter were penalised by the sole fact of their having practised in India.

*Dr. Gour* said this reform was intended as a step in the direction of developing an independent Indian bar. After alluding to the opinions received which he regarded as singularly unanimous, *Dr. Gour* said the Indian legal practitioners were exposed to a position of humiliation and this reform was long over-due.

The select committee motion on the Bar Councils Bill was further supported by *Mr. Lalchand Navalrai* and *Mr. Amarnath Dutt* while *Sir Lancelot Graham* and *Sir*

James Crerar opposed it on behalf of the Government on the ground that the bill was premature and not calculated to further the objects for which it was moved.

The motion was defeated by 29 votes to 45, after which the House adjourned for lunch.

## GOVT. OF INDIA'S FINANCIAL MEASURES

### A FRESH ORDINANCE PROMULGATED

When the House met after lunch Sir George Schuster made an important statement outlining the currency measures decided upon to give effect to the statement of policy outlined by the Secretary of State for India.

Sir George Schuster said: Sir, with your permission I will make a short statement on the financial position. Before I come to the more formal part of what I have to say I should like to express to every member of the House my sense of appreciation of the great consideration which they have shown to me during the last three days. I can assure all honourable members that it has been most irksome and unpleasant for me on my side to have kept them in suspense in this matter. I know that many of them have had their own considerable anxieties and that they have been constantly pressed by their constituents to make representations in this House. But in spite of this they have not only shown great personal courtesy to me in refraining from harassing enquiries or criticisms, but they have responded with good-will to my representations to them that it would not be in the public interest to discuss the matter until we were in a position to make a definite statement. I hope that I may read into their attitude not merely an expression of personal good-will but a feeling of confidence that we on this side have been doing our utmost to work out, in the midst of a position of great complexity, a plan which would really be in the best interest of India. In any case, whatever the reason, I would like to accord to the House my most grateful thanks.

In consultation with the Secretary of State and his Majesty's Government certain arrangements have been concluded in order to ensure that the currency policy announced by the Secretary of State last Monday may be carried out successfully and in a manner most conducive to the interest of India. There are two special features in these arrangements which must be mentioned. In the first place, I am authorised to state that the undertaking given by his Majesty's Government in June last of support for India and reaffirmed by the Prime Minister last week is not in any way affected by the suspension of the gold standard in England and that we are assured of this support of his Majesty's Government for the carrying out of the policy which I have announced. In view of the fact that all external obligations of the Government of India are sterling obligations, no form of assurance could be more appropriate to India's need or of greater value. It is in full and confident reliance on this assurance that the Government of India have felt themselves justified in sponsoring the policy which I have stated. In the second place, the Government of India have had to take into account the possibility that in the present conditions of uncertainty as to the international position there might be an inducement to speculators to take advantage of the unlimited facilities offered by the Government to acquire sterling exchange and that this might operate to the detriment of genuine traders and of public interest.

### GOVT'S PROPOSALS

The Government, therefore, propose to take the following course: The operation of the Ordinance which was promulgated on Sept. 21 will be terminated and the Government will take powers to control exchange transactions so that their obligations as currency authority to sell sterling can be limited to requirements for genuine trade purposes for the fulfilment of obligations incurred prior to Sept. 21 and for reasonable domestic requirements. These powers will be based on an Ordinance and rules issued thereunder the terms of which are being communicated to the press to-day.

The Government hope to have the co-operation of all banks and other business organisations so that this system for so long as it may be required may work smoothly in the interests of genuine trade. All banks will reopen for normal business to-morrow Friday, Sept. 25.

## INTERNAL BANKING POSITION SOUND

In this connection the Government wish again to repeat the assurance given in their communique yesterday that the internal banking position is thoroughly sound and that there is not the slightest reason to apprehend any disturbance of normal business conditions in India. I might in this connection remind the public, in case there are any who have doubts regarding the note issue, that our holding of silver rupee is about 127 crores against a note issue of 148 crores, or to put it in another way, I may say that our stock is silver rupee is about four times the total population of India, men, women and children. If owing to the unexpected declaration of three public holidays there is any tendency on the part of the public to display anxiety or to withdraw funds from banks, the Imperial Bank will render assistance to meet all legitimate demands and the Government will stand behind the Imperial Bank in their action. It should be made clear that the responsibility for the closing of banks for three days rest on the Government and not on the banks themselves. The action was taken in order to give the Government time to assess the international position as regards exchange, to prevent speculation during the first period of uncertainty and to enable the Government to make arrangements for securing the future position. That having been accomplished the way is open for resumption of normal business with complete confidence.

## BUDGETARY POSITION

I must now turn to another very important matter—the Government's plan for dealing with our general budgetary and financial position. It was stated by his Excellency the Viceroy in his speech to the Legislature on Sept. 14 that we should shortly be announcing these plans to you. If it had not been for the intervention of a special crisis in the last three days that announcement would have been made earlier. His Excellency stated that it was essential in these critical times that India should demonstrate to the world her continued adherence to the principles of sound finance. The importance of this has, if anything, been increased by what has happened in the last few days. We must balance our current expenditure by current receipt and live within our income.

It will have been apparent to all honourable members who have studied the financial returns that the course of our revenue receipts has been falling below our budget estimates. We are satisfied that we must restore the equilibrium and that it would not be sound practice to wait until the next budget for doing so. It is therefore necessary to introduce an emergency programme in which the main permanent measures toward the restoration of equilibrium must be by way of retrenchment. But in the interval until measures of retrenchment can be fully effective it will be necessary to have recourse to other means also to ensure an immediate equilibrium.

I trust that the House will be satisfied with our programme and will find in our retrenchment proposals all those measures to which they attach importance. We shall endeavour to deal honestly and straightly with the position. I have now to announce that our full proposal will be laid before the House on Monday next. The procedure will provide an opportunity for discussing our retrenchment proposals about which I have been asked so often during the session and I trust that when they see our full plan all hon. members will co-operate with us in doing what we have tried to do, that is to say, in dealing honestly and straightly with the position thinking only of the public interest at a time of national emergency.

## Text of the Currency Ordinance

The following is the text of the Gold and Sterling Sales Regulation Ordinance (Ordinance VII of 1931), the list of recognised banks referred to in section 3 (1) (B) of the Ordinance and the Gold and Sterling Sales Regulation Rules, 1931:—

(1) An Ordinance to Repeal the Currency Ordinance, 1927, and to regulate the sales of gold or sterling under section 5 of the Currency Act, 1927.

Whereas it is expedient to repeal the Currency Ordinance, 1931, and to resume and regulate the sales of gold or sterling under section 5 of the Currency Act, 1927, it is hereby enacted as follows:

1. This Ordinance may be called the Gold and Sterling Sales Regulation Ordinance, 1931.

2. The Currency Ordinance, 1931, is hereby repealed.

3. (1) Notwithstanding anything contained in section 5 of the Currency Act 1927 (hereinafter referred to as the said section) sales of gold or sterling under the said section—

(A) shall be completed only by the Imperial Bank of India (hereinafter referred to as 'the Bank') at its local head offices in Calcutta and Bombay;

(B) shall be made only to branches in Calcutta or Bombay of banks for the time being recognised in this behalf by the Governor-General in Council

(C) shall be made for financing—

(I) normal trade requirement excluding any requirement falling under clause (D)

(II) contracts completed before the 21st September 1931 and

(III) reasonable personal or domestic purposes; and

(D) shall not be made for—

(I) financial imports of gold or silver coin or bullion; or

(II) liquidating the over-sold exchange position of any bank in respect of any month subsequent to the month in which the demand for gold or sterling is made.

(2) Where any demand is made under the said section to the Controller of the Currency at Calcutta or to the deputy controller of the currency at Bombay, it shall be forwarded forthwith to the local head office of the Bank.

4. The Governor-General in Council may by notification in the *Gazette of India* make rules (A) prescribing conditions as to the amounts of gold or sterling which may be sold to any recognised bank and the procedure regulating the making of demands for gold or sterling (B) prescribing the authorities which may determine if the conditions imposed upon sales by or under this Ordinance have been satisfied.

(C) authorising a managing governor of the Bank to suspend the recognition of any provisionally recognised bank, for a period not exceeding seven days and regulating the exercise of such authority and (D) generally to carry out the this Ordinance.

5. No suit or other proceeding shall lie in any court in respect of anything done or in good faith intended to be done under this Ordinance or the rules made hereunder.

#### RECOGNIZED BANKS

The Government of India Finance department notification No. 6931-F dated Simla 24th September 1931.

The list of recognised banks referred to in section 3 (1) (B) of Gold and Sterling Sales Regulation Ordinance, 1931 (Ordinance VII of 1931) is as follows:—The Allahabad Bank, Banco Nacional, the Uta Marine Bank of India Limited, the Bank of Taiwan, the Central Bank of India Limited, the Chartered Bank of India, Australia and China Comptoir Nationale Descompte de Paris, the Eastern Bank Limited, the Hongkong and Shanghai Banking Corporation, the Lloyds Bank Limited, the Mercantile Bank of India Limited, the National Bank of India Limited, the National City Bank of New York, the Netherlands Trading Society, the P. and O. Banking Corporation, the Sumitomo Bank Limited, the Yokohama Specie Bank Limited, the Netherlands Indian Commercial Bank, the Bank of Baroda Limited, the Mitsui Bank Limited, the Grindley and Company and Thomas Cook and Son Bankers Limited.

#### RULES FOR SALE OF GOLD AND STERLING

The Government of India Finance department notification no. D 6564-F, dated the 24th September, 1931.

In exercise of the powers conferred by section 4 of the Gold and Sterling Sales Regulation Ordinance, 1931, (Ordinance VII of 1931) the Governor-General in Council is pleased to make the following rules:—

1. These rules may be called the Gold and Sterling Sales Regulation Rules, 1931.

2. An amount of gold or sterling of less value than ₹25,000 shall not be sold to any recognised bank.

3. Demands for gold or sterling may be made at the local head offices of the Bank in Calcutta and Bombay.

(A) The secretary of the local board of the Bank at Calcutta or Bombay as the case may be, shall be the authority to decide if any demand satisfies the conditions imposed by the Ordinance and these rules and his decision shall be final.

5 (1) A managing governor of the Bank may call upon any recognised bank to satisfy him (A) that it has not been selling foreign exchange for any purpose other than those specified in clause (C) of sub-section (1) of section 3 of the Ordinance

or for any purpose specified in clause (D) of that sub-section; (B) that it has been using all its purchases of foreign exchange to cover its sales of foreign exchange before making a demand on the Bank for gold or sterling.

(2) If such managing governor is not so satisfied he may suspend the recognition of the Bank for a period not exceeding seven days.

(3) A managing governor shall make a report immediately to the Governor-General in Council of any action taken by him under this rule.

#### GOVT. CENSURED FOR ITS CURRENCY POLICY

**26th. SEPTEMBER** :—By 64 votes against 40, the Assembly passed Mr. Shanmukham Chetty's resolution censuring the Government of India and the Secretary of State for their currency policy. The following is the text of the resolution :—

"Whereas it is apprehended that it would be seriously detrimental to the interests of India to link the rupee to sterling under the present conditions; and whereas the action of the Government of India as the currency authority in maintaining the exchange value of the rupee at 18s. has had a disastrous effect on the agricultural and industrial interests of the country and has resulted in the depletion of the gold assets in the Currency Reserve; and whereas it is further apprehended that the linking of the rupee to sterling and the consequent obligation imposed on the Governor-General by the Gold and Sterling Sales Regulation Ordinance (Ordinance VII of 1931) will result in a further frittering away of the gold assets, to the grave detriment of the financial and economic life of the country:

"This Assembly is of opinion that the Governor-General in Council should immediately take such steps as are necessary to ensure that the total amount of gold and sterling assets in the Paper Currency and Gold Standard Reserves are not allowed on any account to fall below the level at which they stand at present; and this Assembly is further of opinion that under the present circumstances it would be in the best interests of the country for the Governor-General in Council to take steps to restore Ordinance VI of 1931 and to relieve himself from the obligation imposed upon him by sec. 5 of the Currency Act of 1927 or by Ordinance VII of 1931, and that in any case, if the Government are determined to continue Ordinance VII of 1931, such obligation ought not to be undertaken unless and until substantial long-term credits are to be forthwith granted in favour of the Government of India in London by his Majesty's Government on reasonable terms and conditions.

"Further, this Assembly records its emphatic condemnation and resentment against the manner in which far-reaching decisions affecting the financial and economic life of the country have been taken by the Secretary of State for India without any reference to the Indian legislature although it was in session.

"With reference to the announcement made by the hon. the Finance Member about the introduction of a second Finance Bill, this Assembly is of opinion that proposals for taxation should not be made without giving due notice to hon. Members and that no proposals for taxation must be made in the present session."

The resolution was debated the whole day, the non-official parties expressing the fear that the linking of the rupee with the sterling would further fritter away India's gold reserves and urging that if Ordinance no. 7 is to be continued the British Government should give long term credits on reasonable terms and suggesting that the supplementary Finance Bill be not introduced in the current session.

Mr. Shanmukham Chetty, the mover, said it was an irony of fate that when India's delegates at the Round Table Conference were discussing the political emancipation of the country, the Secretary of State had by one stroke of the pen subjected India to economic slavery unheard of even in the melancholy history of India. The decision of the Secretary of State in favour of the sterling exchange standard meant indirect preference for Britain against foreign countries whose trade totalled two years ago to Rs. 386 crores against Rs. 172 crores with England. India's gold reserves had been depleted to the extent of 66 crores through the exchange policy. Mr. Chetty demanded an assurance that not one ounce of India's gold would be touched even if the ruinous policy dictated by Whitehall was to be pursued strong.

Mr. Mody asked how long should the rupee be linked with the sterling, and affirmed that the grant of self-government would be a shadow, if India was not financially independent.

The Finance Member contended that if the rupee was not linked to the sterling there might be difficulties of raising money to meet the normal sterling obligations and in paying the sterling loan when it matured. Fortunately India had a definite assurance of support from his Majesty's Government. The present position had many advantages for India and there was nothing in it to prevent the rupee rising to the upper gold point. India's trade with England was not inconsiderable and it was, therefore, to her interests to have the rupee linked to the sterling, especially as they had the support of a big creditor country like England. Sir George Schuster assured the House that the Government were keeping in view the necessity of preserving the gold reserves and hoped that the arrangements to be made would be such as to cause no anxiety.

Sir Cowasji Jehangir bitterly attacked the Secretary of State's autocracy and asked what was the use of England promising to help India after she had become bankrupt.

#### THE PRESS BILL

**28th. SEPTEMBER** :—A technical difficulty was created over the Press Bill when the House met on this day. The difficulty was caused by the fact that a wrong Bill, namely, the one introduced at Delhi was published in the *Gazette of India*. When the Assembly found itself faced with this situation, the President invited suggestions as to how to solve the deadlock.

Sir Lancelot Graham, Sir Hari Singh Gour and Mr. Ranga Iyer put forward their suggestions but the President invited further suggestions and promised full cooperation. In the afternoon all party leaders met the President informally and after considering various issues decided to accept Mr. Ranga Iyer's solution, namely, that the Press Bill as now before the Assembly in the form amended by the select committee be withdrawn and that this be followed immediately by the introduction of a fresh Press Bill in the form in which the select committee had amended it and that all parties of the House should agree thereafter to pass through the stages of consideration and passage without trying intermediary motions of a dilatory character.

#### ANCIENT MONUMENTS BILL

**29th. SEPTEMBER** :—The normal business containing official bills and resolutions was taken into consideration to-day. The Ancient Monuments Preservation Bill was moved for consideration by Sir Fazl-i-Hussain.

Sir Fazl-i-Hussain said the main objects of the bill were scientific control of excavations and permitting of outside co-operation whether from private bodies in India or abroad. There were two views in the House, one wishing the bill be circulated and the other wanting a select committee. The object of both the motions, he understood, was to prevent the outflow of archaeological finds from the country. The House, he said, would agree that outside co-operation, if agreed upon, would require some *pro rata* share from the finds rather than be content with the mere satisfaction of scientific research and in order to determine what that share should be, a strong select committee would serve the purpose. He made it clear that he was opposed to the outflow of all finds of national importance which he assured the House would be preserved.

Ru Shihb Hirbilas Sarda moved for circulation of the bill.

In the discussion that followed Mr. French (Bengal official) and Mr. Yamin Khan opposed circulation, while Mr. Amarnath Dutt supported the motion. Mr. French pointed out that archaeological finds if they went out of the country served as cultural ambassadors.

Sir Hari Singh Gour was for a compromise and suggested that the bill with the main issues be circulated for eliciting public opinion, which could be considered by the select committee.

Sir Fazl-i-Hussain was agreeable to the suggestion, but Mr. Sarda pressed his motion to a division, with the result that the House rejected it by 24 votes to 50. The Assembly thereafter accepted the motion to refer the bill to a select committee.

#### SUPPLEMENTARY GRANTS

In the afternoon the Assembly was busy voting the supplementary grants. Sir George Schuster moved for a grant of Rs. 3,57,000 in respect of miscellaneous. Messrs. Amarnath Dutt, B Das and Hariraj Sarup by means of cuts raised the question of representation of Bengal, Orissa, Indian trade and landlords on the R. T. C.

Sir George Rainy, on behalf of the Government, made it clear that nomination was made by his Majesty's Government and not the Government of India. He, however, felt that considering the magnitude of the interests involved even if an angel from heaven had made the selection of delegates motions for cuts would have been the same of the agenda paper. Members representing various interests, however, were unduly apprehensive as there was no question of counting votes at the Round Table Conference but of weighing opinions.

The motions were rejected by the House.

The demand under the head miscellaneous was granted without any cut.

The Assembly then adjourned for few minutes and reassembled at 5 p. m. when Sir George Schuster presented the financial statement. The following is the text of the speech:

### Govt. of India's Financial Statement

I rise to make a statement on the financial position and our plans for dealing with it, in somewhat unusual and difficult circumstances. On the one hand it is necessary that we should not delay in restoring equilibrium between the revenue and the expenditure; on the other hand the foundations on which we have to base our estimates are at the moment fluctuating owing to the changes which have come upon our currency position in the week which has just passed. But the very nature of that change make it all the more necessary that our internal financial position should be sound for once the country is cut adrift from the moorings of the gold standard it is particularly necessary to avoid getting into any sort of inflationary position resulting from a failure to balance the current expenditure with the current revenue. If we can convince the world that our internal budgetary and monetary position is sound, then with our favourable balance of trade we shall be able to preserve confidence in our currency and save the country from those disasters which hon. members who spoke on Saturday professed to apprehend. Therefore, we must take immediate steps to ensure that our foundations for our internal position.

Sir George Schuster recognized that the members would be put to very great inconvenience by any sudden change in the plans but the Government ought not to hesitate to ask the members to make any sacrifice involved. The Government would not, however, disregard the last portion of the motion of the Deputy President which was passed by a large majority of the House on Saturday.

The Finance Member then proceeded to deal with the revenue prospects and said that there were indications that the budget estimates for the customs would fall short by at least Rs. 10 crores on cotton, piecegoods, sugar, etc. An income-tax deficit of 1½ crores was expected and the total would be Rs. 11 crores, 33 lakhs. The railway traffic returns were very disquieting and the railway contributions would cause a further loss to the budget of Rs. 5 crores, 36 lakhs. The general financial heading showed a loss of Rs. 2 crores, 29 lakhs. As the budget provided for a surplus of 1 lakh on the basis of the present estimates there would be a net deficit of Rs. 19 crores, 35 lakhs. There seemed no justification for expecting any large improvements in the budgetary position for the next year and a further deficit of Rs. 19½ crores for 1932-33 must be expected. These two deficits equalled Rs. 39 crores 5 lakhs and to fill this deficit only eighteen months remained.

The line of action the Government proposed fell under three distinct lines. Firstly, reductions in expenditure due to more economical organisation of the Government's departments and restriction of activities; secondly, an emergency cut in the salaries; thirdly, fresh taxation.

Sir George Schuster, continuing, said many details remained to be worked out but the Government's aim and intention was to adhere as closely as possible to the recommendations of the Retrenchment Committees whose work was highly praised. About Rs. 2½ crores was expected to accrue from civil retrenchment.

Regarding army retrenchment, the Finance Member desired publicly to acknowledge his keen appreciation of the helpful manner in which the Commander-in-Chief and the principal staff officers had worked with the Army Retrenchment Committee and had, in principle, accepted the majority of their proposals. The reductions guaranteed by the army authorities amounted next year to a net reduction of Rs. 4½ crores. This included Rs. 1½ crores of non-recurring expenditure on the special programme of re-equipment, which though very necessary and important Sir Philip Chetwode had agreed to postpone. It did not include the cuts in the officers' pay

or the savings which may accrue from the reductions of troops—a question which was now under examination by the Committee of Imperial Defence. Thus, in two years, the army expenditure had been reduced from Rs. 55 crores to Rs. 47.40 crores, which was no mean achievement and was brought about by the patient hard work of the Army and Finance department with the chosen Assembly members.

Referring to the emergency cuts in pay, Sir George Schuster said :—

I now come to the difficult question of an emergency cut in pay. Let me state at the outset the general conclusions reached by the Government as part of the plan which I am now presenting.

These are, first, that any cut applied must be general and on a fair basis. Secondly, that it should be of a temporary nature not extended beyond the need of the present exceptional emergency. Its justification is in the need for a common sacrifice in a national emergency. Although it may be said that the subordinate ranks have gained from the low level of prices there is as yet no proof of a substantial fall in the cost of living of many classes of Government servants. Thirdly, that it should not in any way affect the pension or provident fund rights. We have given a great deal of thought to the way in which a cut should be applied and after the most searching consideration of all sorts of graduated scales we have come to the following conclusions :—

We think, first, that a simple plan is the best and that although it may be necessary to exempt the pay below a certain low limit at the bottom, a uniform scale is really the fairest and best in the public interest. We consider that the rate should not exceed 10 per cent in any individual case and that, as I shall explain later, this should include the enhancement of income tax now proposed. For the general Government services we think that the limit of exemption should ordinarily be about Rs. 40, perhaps a bit higher, perhaps a bit lower. I ought, however, to mention that special considerations may have to be applied to a great commercial undertaking like the railways but the maximum will not be exceeded in any case.

I may, however, here interpose that I am pleased to be able to say that His Excellency the Viceroy has decided that he will impose upon himself a cut of 20 per cent and that for ourselves, the members of his Council, we will surrender 15 per cent of our pay.

The action to be taken by the provincial Governments in regard to officers within their rule-making powers will be for their own decision but we have little doubt that they will recognise the desirability of attaining throughout India as large a measure of uniformity as possible. In this connection I may mention that uniformity is particularly desirable in the police service and, since the local Government are far more concerned in this matter than the central Government, we shall not reach the final conclusions in this case until after further consultation with them. I must also refer to the fact that it does not lie within the power of the Government of India to take decisions as regards all the officers within its service. Certain officers have been guaranteed their rights under the Government of India Act and these cannot be altered without legislation in the British Parliament. As regards other officers, their position is governed by the Fundamental Rule 23 and can only be altered under rules made by the proper authorities. For the great bulk of officers the rule-making power now lies with the Government of India and the local Governments subject to the sanction of the Secretary of State in Council. There are certain officers, however, in regard to whom the Secretary of State in Council has himself to make the rules.

The position is that we have received the assurance of the Secretary of State that he will sanction the rules which we or the provincial Governments may make in those cases where we or they have the power. Further in regard to officers protected by the Government of India Act or in regard to whom the Secretary of State has authorised himself to make rules, I am authorised to say that his Majesty's Government are satisfied that a financial necessity exists amounting to a national emergency which requires that a reduction should be made in pay and that his Majesty's Government have undertaken to introduce legislation in Parliament at the first practicable opportunity. The legislation would be of an emergency character and would authorise the Secretary of State in Council to reduce the salaries of officers protected under the Government of India Act for a limited period and subject to a maximum of 10 per cent, which would be inclusive of enhancement of income-tax contained in my present financial proposals and subject to discretionary power for the Secretary of State in Council to



make exceptions in cases of hardship. It would apply to a special class of protected officers serving under local Governments as well as under the Government of India. Officers not specially protected by the Government of India Act but in regard to whom the Secretary of State has himself to make rules would be treated on the same lines as protected officers.

This is a general description of our plan and we shall explain our proposals in greater detail at later stage in the discussions on the Finance Bill, particularly, as regards the exemptions which may be made in the lower grades. We think that it should be practicable to impose cuts from December 1 next. It must be clearly explained that there is no intention that they should remain operative beyond March 31, 1933. They will not be continued beyond that date without further examination of economic conditions and, if economic conditions so required or permitted, we should reconsider them before that date. And that brings me to a point of essential importance in this matter. A cut of this nature must be regarded as a very exceptional measure which can only be justified in very exceptional circumstances. It is nothing less than a direct variation of conditions under which an officer enters Government service and it must be remembered that the security of those conditions represents an essential attraction of service under Government. It would be fatal to the public interest if that sense of security were destroyed. Therefore, no variation can be justified except in a real national emergency and when it is quite clear that all other measures have been fully tried. Even so, it is necessary to examine the case still further. We must test the emergency by an examination of causes which have created it.

In the present case it was clear that the emergency had arisen from an unprecedented fall in the prices of those commodities which India produces and on which the revenue of the country depends. The value of commodities had fallen too low in terms of money. The value of money had gone up too high. But in the last days a change has been made in the basis on which the value of our money or unit of currency depends. The results of this or of any general economic recovery producing an improvement in the revenue position may make it necessary to consider the justification and necessity for this cut. It is of course clear that a general decline in the gold value of the rupee would affect all servants of the Government alike, while I might further mention incidentally that if on the other hand the rupee had been detached from sterling and the value of rupee had either appreciated or declined in relation to sterling, there would have been some difference in the case of certain classes of officers of which the Government would have had to take account. However that may be or might have been, what I have to say now is that in the conditions on which we have to base our present estimates, we and his Majesty's Government consider an emergency cut on the lines already indicated to be absolutely essential.

As regards the financial effect of cuts on the scale which we propose, I have estimated the position roughly as follows for the purpose of my present financial plan :

*Civil*.—We put the total saving for 1932-33 at 11½ lakhs and for the four months from December 1 of the current year at 35 lakhs. This includes savings on the personnel of the Posts and Telegraphs department.

*Railways*.—The saving on railways will be very substantial. I refrain from giving an exact figure pending the final settlement of a plan. In any case, it will not directly affect my present proposals for we consider that any saving effected by a cut in pay on railways must be utilised to improve their own internal position and that it cannot be translated into any improvement of general revenues. As I have already stated, a cut in fact will only be justifiable during the continuance of the present emergency and during such period we can not in any case rely on receiving any general contribution from the railways. It is in our opinion essential that if they have any margin it should be made available for reduction in freights on agricultural products.

*Army*.—As regards army officers, the same cut will apply to them as to civil officers of the Government. We estimate a saving of 75 lakhs in 1932-33 and 25 lakhs for the four months of the current year from December 1. I may note that if this saving is effected it will reduce the expenditure of the army next year to 46.65 crores.

Before turning to new taxation the Finance Member said that the Government expected an increase in revenue of one crore, both this year and next, by the abolition

of the salt credit system. The main plank of the new taxation was temporary surcharge on all existing taxes with the exception of customs and export duties. With this exception a surcharge of 25 per cent. on existing rates on all customs and excise duties including salt, income-tax and super-tax was proposed. He said: "The principle is uniform but as regards income-tax there is an administrative difficulty inasmuch as the tax although only imposed as from Oct. 1 has to be collected on a twelve months' basis. It would lead to great hardship in the case of salaries or other income taxed at the source if we were to supplement the deductions already made by a retrospective increase at the full rate of 25 per cent. Therefore we propose that the surcharge for the current year should be 12½ per cent. on income-tax but it will be collected at this rate on the whole year's income. Apart from these general surcharges we are forced to include certain new taxes. As regards income-tax we consider that in this emergency there is justification for reducing the exemption limit and imposing a small tax of four pias in the rupee on incomes between Rs. 1,000 and Rs. 5,000 per annum. For the same reasons as I have explained already in connection with the surcharge on existing income-tax, the rate will be imposed at two pias for the current year and four pias for the next year.

With regard to new taxes the import duty on artificial silk is raised from 20 to 40 per cent. that on artificial silk yarn from 10 to 15 per cent. the duty on brown sugar from Rs. 6-12-0 to Rs. 7-4-0. A minimum of 4 as. duty on each pair of boot and shoes and an increased duty from 20 to 40 per cent. on camphor is proposed. The net result would be to raise the general revenue tariff from 15 to 20 per cent. Sir George Schuster said there was some justification for imposing 10 per cent. duty on machinery and dyes and of ½ anna per pound on raw cotton. Inland postage rates would be increased for letters and post cards by one half which should produce Rs. 3 lakhs and go far to cover the present deficit of 92 lakhs.

In working the results and finally summarising all plans the Finance Member said the year should close with a deficit of Rs. 10,47,00,000, but on the other hand 1932-33 would show improvements as follows:—Retrenchment measures with cuts in the pay should yield Rs. 8,90 lakhs and with extra taxation and further revenue the total improvement should be Rs. 21,75,00,000 against the anticipated deficit of Rs. 19,50,00,000 and the year should close with a surplus of Rs. 5,25,00,000 if the forecasts are fulfilled.

Continuing Sir George Schuster said: But I may put the position in another way which throws up in a still more favourable light what we are proposing. I have explained that on the present estimates the combined deficit for the two years is just over Rs. 39.05 crores. We may fairly say that half the current year's deficit has already been incurred, say about Rs. 9.80 crores. If we look at our task as one of having to make a new budget for 18 months starting with Oct. 1 we should have to find means for filling a gap of Rs. 29.25 crores. We are actually providing for finding improvements of Rs. 34.11 crores over the next 18 months. Therefore, we are not only providing a balance for that period but we should have a surplus of Rs. 4.86 crores towards making up the deficit of Rs. 9.80 crores in the first half of the current year. If these forecasts are fulfilled, then even if there is no improvement in the economic position, the Finance Member, when he presents the budget for 1933-34, will find himself in possession of a surplus of Rs. 5.25 crores and he will be able to make a substantial easing of the burdens.

"It is perhaps forecasting too much to say in what order these reductions should be made, but there are certain principles which we consider must be observed and I can say without hesitation that the relief should come first in restoring the emergency cuts in pay and secondly in taking off the surcharge on income tax now to be imposed. I think we may predict with as much certainty as is possible for any such forecasts that these special impositions will not in any case be extended beyond March, 1933.

After explaining that the present difficulties had not been caused by increased expenditure but by drops in the yield of the current taxes and revenue from commercial departments and deterioration under finance headings, the Finance Member concluded: "I referred at the outset of my speech to the dangers, now that we are divorced from a gold standard, of any inflationary action for the purposes of meeting the current expenditure of the Government. If once that process starts, it may be impossible to save the country from a complete collapse of its currency. That has been the experience of all countries whose currencies collapsed after the war. They

all went through the same process. Budgetary deficits' were met first by borrowing, then a reduction and reluctance of the public to subscribe to Government loans or treasury bills then recourse to the note printing press and inflation to provide funds to meet the current public expenditure, then collapse in confidence in the currency, notes being printed faster and faster, until the amounts reached astronomical figures and finally a complete disappearance of any value to the currency at all. We want to erect a solid barrier against the possibility of India getting on to that slippery slope. That is the essential justification for our proposals. We have heard much talk in the last days about the disappearance of our currency reserves but no currency reserves can be large enough to stand up against a lack of confidence in the currency. Reserves are only valuable to tide over temporary difficulties. The real safeguards must be confidence in the soundness of the country's financial situation. If a country meets current expenditure with current revenue and if further, it has a favourable balance of trade, then it can face all the vicissitudes of fortune with confidence and its actual currency reserves are of minor importance.

That brings me to the last thing which I have to say to-day. I know our proposals of taxation will be criticised, but I appeal to all critics, either in this House or outside it, not to criticise them hastily or unfairly. We believe we are doing the right thing for India: that in these critical times, and looking to the years before us when we have to meet heavy loan maturities, both external and internal, a matter of vital importance is to preserve the trust of the public of India and elsewhere, in the soundness of our financial position. Let the hon. members by all means examine our proposals with searching criticism, but I would appeal to them with all the emphasis which I can command to do or say nothing which will lead the outside world to suppose that they have not a full sense of their responsibility or that they do not believe that the paramount duty of every man who has India's interests at heart and who can in any way influence the situation is to preserve intact that financial stability on which the whole fabric of the country's life depends.

### Supplementary Finance Bill

After the financial statement, Sir George Schuster moved for leave to introduce the supplementary Finance Bill. *Sir Hari Singh Gour* opposed introduction. He thanked the Viceroy on the voluntary cut of 20 per cent and wished that this good example had been followed by members of the Executive Council and superior services. He regarded the fresh taxation as plundering the poor man's money. Recalling how the Assembly had been recommending that the Government should overhaul the national expenditure, Sir Hari Singh Gour pointed out that four and a half crores reduction in the military expenditure now announced was too inadequate and suggested that there should be a reduction of at least ten crores. There was urgent need of economy in the civil expenditure as well for which they awaited the full reports of the various retrenchment committees. He thought that it was possible to balance the revenue and expenditure by economy measures. He, therefore, regarded the Finance Bill as premature and inopportune. Even this morning he gave a preliminary warning not to introduce the Bill, but the Government flouted the considered opinion of the Assembly. Hence out of self-respect they should oppose introduction.

*Sir Abdur Rahim*, on behalf of the Independents, endorsed Sir Hari Singh Gour's observations. He pointed out the thin attendance at the flag end of the session and recalled the warning given to the Government in the last Delhi session that no fresh proposals of taxation should be considered without the fullest exploration of the avenues of retrenchment. There was no justification for the huge standing army. As regards civil expenditure the Retrenchment Committee over which he himself presided had not completed examination of the scope of economy and thought that there was a larger scope than what the Finance Member anticipated in respect of the departments not yet examined.

*Sir George Schuster*, replying, agreed to postpone consideration of the Bill for a special session early in November. He explained the difficulty of giving complete effect to the recommendations of the retrenchment committees in every single item without examination, but hoped that before the House met in November at Delhi, the final reports of all retrenchment committees would be available so that more economies might be effected as he desired. There was none who hated taxation measures more than himself but they could not possibly deal with the present situ-

ation merely by means of retrenchment. It was ridiculous to suggest that the military expenditure could be reduced as Sir Hari Singh Gour wanted within six weeks.

The Finance Bill was then introduced by 57 against 43 votes and it was decided to take it into consideration early in November at Delhi.

The Assembly then adjourned till the next day when the Press Bill as amended by the select committee was placed before the House.

## The Press Bill

*30th. SEPTEMBER* :—The Assembly debated the whole day the Press Bill as amended by the Select Committee. The motion of Mr. Amarnath Dutt for circulation of the Bill was lost without division.

Mr. C. S. Ranga Iyer was for immediate consideration of the Bill as it was hopeless to expect the Government to go beyond what it had agreed to in the Select Committee.

Sir Harisingh Gour pressed the four points mentioned in the dissenting minutes and pleaded for postponement of discussion for a day in order to effect a compromise on those points.

Sir James Crerar stoutly resisted the invitation of Sir Harisingh Gour and finally the motion for consideration was carried. The House then adjourned.

*1st. OCTOBER* :—The clause by clause consideration of the Press Bill was taken up to-day. Dr. Ziauddin moved for the deletion of clause 3 of the Bill, as he felt that it violated the main principle of jurisprudence. He held that the Muslim press would suffer most if the clause was adopted.

Sir Hari Singh Gour supported the motion.

Sir James Crerar, while opposing it, held that the motion would negative the main principle of the Bill. The amendment was rejected.

Mr. Sitarama Raju next moved for the deletion of sub-clause 1 of clause 3 of the Bill, which related to the demand of securities from new presses.

In the discussion that followed, Pandit S. N. Sen, Sardar Sant Singh, Babu Gaya Pershad Singh, Sir Abdur Rahim, Mr. C. S. Ranga Iyer, and Sir Hari Singh Gour supported the motion, while Mr. Studd, Mr. Kabir Ahmad, Mr. Yamin Khan, and Dr. DeSouza opposed it.

Sardar Sant Singh felt that the Bill would replace the rule of law by the will of the executive.

Sir Abdur Rahim held that the clause went much further than the object of the Bill. He did not agree that magistrates should be given such wide powers to deal with printing presses. It showed that there was a sort of presumption that printing press business was a dangerous trade and new presses would be a danger to the public peace. The clause offended the law of the land.

Mr. C. S. Ranga Iyer felt that no newspaper should start with a mill-stone round its neck, which this clause sought to do. He reminded the House that the newspaper would be the only means of carrying on agitation against the magistrate, the only relic of the bureaucracy in the days of the coming democracy.

Sir Hari Singh Gour pointed out that the mere giving of security was in itself a disgrace which no respectable member of society would tolerate. The case of the Opposition was that under the clause the Government were seeking judicial powers without submitting to the revisional powers of the High Courts.

Sir Hari Singh Gour warned the Government that at the far-end of the session they through their majority were taking advantage of the thinness of the non-official members in pushing through the Bill.

Mr. Studd claimed that the clause dealt with one section of the press only which had been indulging in incitement to violence. The clause, he said, would not operate harshly. He referred to the deposit of security by candidates to the legislature and said none felt any disgrace in doing so. Mr. Studd admitted that he did not like the Bill, but the House should remember that in a time of emergency many disagreeable things had to be tolerated.

Mr. Yamin Khan said that the clause could only be understood when the House had before it the purpose of the Bill. The deletion of the clause would take away the power to deal with old offenders who might come out in a new guise after security had been demanded from them.

Dr. DeSouza pointed out that an appeal to High Courts was not provided, because presumably they (the High Courts) would have no material to decide the case.

Sir James Crerar at the outset made it clear that he regarded the clause vital to the whole Bill and in case it was deleted by the House he would not think it worth while to proceed with the Bill. He would join hands with the Opposition if the times were normal. But the times were not normal and the Bill before the House was an emergency legislation. It was in order to meet such an emergency that the Government were asking for certain powers for the executive. Sir James Crerar denied that the clause was opposed to the fundamentals of jurisprudence and complained that the members of the Assembly in dealing with the Bill had closed their eyes to the realities. They had ceased to be statesmen and were indulging in destructive criticism as lawyers. They had entirely neglected the idea of emergency. He admitted that all legislation was liable to be abused. If that was carried to the logical conclusion, they should abolish themselves as a legislative body altogether. He felt it was not the thinness of the benches, but the thinness of the Opposition's arguments that the Government relied upon in pushing through the Bill and appealed to the House to face the facts and apply a remedy.

The amendment was rejected by 11 votes against 10.

#### IRRESPONSIBLE EXECUTIVE

Two more amendments to clause 3 of the press Bill were discussed but rejected by the Assembly in the afternoon. One sought to reduce the amount of security at the declaration from Rs. 1,000 to Rs. 500 and the second amendment proposed the maximum security to be Rs. 2,000 instead of Rs. 3,000 as in the Bill. The amendments were lost by 32 votes to 56, and 32 votes to 51 respectively.

During the discussion constant reference was made to the earlier speech of the Home Member, Mr. S. C. Mitra lodged an emphatic protest against the remarks and said they seemed to have fallen on evil days as after the late Sir Alexander Muirhead they had to face people on the Government benches who disregarded public opinion and were entirely irresponsible.

Mr. B. Das, joining in the protest regretted that a responsible member like Sir James Crerar had used unparliamentary expressions.

*The President*.—If any unparliamentary expression was actually used the attention of the Chair should have been drawn.

Proceeding, Mr. Das thought that the Home Member indulged in those remarks because he had a majority behind him to-day. But though the non-officials were in a minority they represented the popular view. He challenged the Home Member to contest any but a European constituency on the issue of clause 3 and he would find himself losing even the security money. If the popular view was not acceptable to Government they could have an Ordinance promulgated and done with those debates.

Dr. Ziauddin agreed that the House had been reduced to a debating society through the irresponsible behaviour of the executive.

Sir James Crerar, opposing the motions, said the Government had already gone a considerable way to meet the non-officials' wishes in the matter of security.

#### CONTROL OF PRESS

Sardar Sant Singh moved an amendment with a view to fix authority under the clause on the district where a press is situated instead of on the local Government.

Sir Abdur Rahim supported the amendment. He said the term 'local Government' was very vague. He said, 'We cannot agree to give the Government control of the press which they are really seeking by this Bill.'

Mr. C. S. Ranga Iyer expressed surprise at the resentment caused among certain members by the Home Member's speech. He, instead, liked a little storm and said: 'You are not even keeping up the Swarajist level of the Opposition. The Home Member has set a new pulse beating.'

Sir C. P. Ramaswami Iyer said that the measure being one of emergency there must be speedy action, but there must also be closed scrutiny. The amendment proposed to judicialize the initial proceedings which must as a summons case retard speedy action. But once speedy action was ensured the provisions of the Bill taken together actually converted the High Court into a trial court for the purpose of security of the proceedings under the Bill. Thus the Bill had been improved and provided with necessary safeguards.

The amendment was defeated by 55 votes to 31 and clause 3 was passed.

Mr. S. C. Mitra and others moved some more amendments which were negatived without a division. The House then adjourned till next day.

*2nd. OCTOBER :*—The Assembly commenced consideration of clause 4 of the Press Bill to-day and rejected without division the amendments moved by Messrs. B. Das, Sant Singh and S. C. Mitra.

There was some discussion over the last amendment which sought to delete the words "real or fictitious." The supporters of the motion urged that the words might penalise works of art and literature, including religious books.

The Labour Member, replying, pointed out that provision to exempt works of art and literature had been made in the Bill. It was, however, true that attempts to twist works of art or literature would be properly dealt with.

#### SANT SINGH'S AMENDMENT

The House next discussed the amendment of Mr. Sant Singh which sought to invest High Courts instead of the local governments with power to forfeit publications.

Sir C. P. Ramaswamy Iyer, replying to the debate on the amendment of Mr. Sant Singh in regard to forfeiture of press security said that when the Opposition came to occupy Government benches they would probably act in exactly the same way as the present Government was doing with the Bill knowing its full history.

He reminded the House that even in England which was the home of liberty, the Executive had to arm itself with emergency powers with the unanimous consent of all the three Parties.

The issue before the House was whether they would invest the Executive with initiatory powers subject to exhaustive judicial enquiry or leave the whole thing to judicial action. He claimed that under the Bill executive action would not be beyond the reach of the law. Government felt that in the interests of public safety speedy executive action was necessary. The amendment was lost.

Considerable progress was made on the second reading of the Press Bill in the afternoon when all the clauses were adopted without any change and the Bill passed the second reading. The Assembly then rose.

*3rd. OCTOBER :*—The House met to-day to conclude the business of the Session. Sir James Crerar, Home Member, moved that the Press Bill as amended be passed.

Sir Hari Singh Gour, leader of the Opposition, said that they could not allow the Bill to be passed without a protest. He went over various provisions of the Bill again and showed how even the famous doctrine of Carlyle over the French Revolution, namely, the doctrine of blood and iron would come within the purview of the Bill. He said the Home Member had behind him men who followed him blindly irrespective of what their conscience told them and that the Home Member had taken mean advantage of the absence of non-officials by putting this Bill at the end of the session.

The Home Member retorted that the Bill was introduced on the first day of the session.

Sir Abdur Rahim, leader of the Independents, registered his protest at the manner in which the Government placed its double-faced and deceptive measure professing to control violent writing but aimed at taking control of the entire press. When that vested control over the press is the very Government which was to find whether certain sections of the press had or had not offended against the provisions of clause four, it meant that they would, judging from past experience, exercise control against the press which criticised its measures and not the Anglo-Indian press.

Referring to the attitude of the European group, Sir Abdur Rahim called the name of the group as a misnomer as it did not represent France, Germany, Poland and Russia. The speaker criticised the manner in which Sir James Crerar conducted the Bill and remarked that it had left a very bitter taste in the mouth. The Bill as it emerged now would never be acceptable to the country. (Applause.) It went far beyond the scope and the Government had no business to widen the scope.

Mr. Arthur Moore was surprised at the leader of the Independents challenging the title of the European group. Sir Abdur Rahim was independent, indeed of the trammels and restraint of offices which he once held as a judge or the High Court and a member of the Bengal Government. (Sir Abdur Rahim.—Yes, but not a slave.) In his time Sir Abdur Rahim introduced a far more sweeping ordinance

than any thing that existed in the present Bill. Today, however, as leader of the Independents his language was different. He had attacked the Anglo-Indian press. What was the head and front of the offence of the Anglo-Indian press towards Indian aspirations but that it merely set its face against violence? Otherwise that press stood exactly where it stood. Mr. Moore described an hour's speech as an elaborate artificial attempt to manufacture a grievance. Merely because of a mistake of the Assembly department the Bill had to be re-introduced this week whereas the Bill was actually placed on the first day of the session. It was wrong to suggest that the House had not had a full discussion on the Bill.

Mr. C. S. Ranga Iyer did not quarrel with any one for the Bill having had to be introduced this week because it was the fault not of the department alone but of everyone in the Assembly. In this connection Mr. Ranga Iyer regretted the fling at the creation of a separate Assembly department in the columns of the *Statesman*. Sir Abdur Rahim was justified in the criticism of the Anglo-Indian press because it was this section of the press which led a campaign for such legislation. Non-official Indian members in the Assembly were as much opposed to violence as the Anglo-Indian press but they objected to the Bill because it would not really touch the terrorists but affect honest pressmen. As Sir Tej Bahadur Sapru said the platform was a more powerful agency than the press. Mr. Ranga Iyer appealed to the Government not to misapply the provisions of the Bill for it might drive the constitutionalists to the other side of the fence. At the same time he warned the Government to be always prepared for repealing or amending the Bill.

Sir Mohamed Yakub supporting the motion said that some restraint to liberty was necessary otherwise it became a menace. He was satisfied that an emergency had been created by irresponsible writings in certain sections of the press which had given impetus to young men to take to bomb. The Bill would check this eulogy of murder.

Mr. S. C. Mitra and Mr. Sant Singh opposed the motion the former wanting the Government to deal with the disease and not to play with symptoms. Mr. Sant Singh held that the Bill would even suppress freedom of expression and speech. While he condemned murder he condemned murder of justice on principles.

Mr. Anwarul Azim supporting the measure felt that speeches in the Assembly gave encouragement to the press in causing mischief.

Sir James Crerar repudiated the charge that Government had been irresponsible to public demand in modifying the Bill. He said the Government had gone a long way to meet the demand in the select committee. They however could not accept any change which affected the structure, principle, machinery and the object of the Bill. The amendments moved in the House would have in the opinion of the Government defeated the object of the Bill and rendered it useless.

The House divided and the third reading of the bill was passed by 55 votes to 21.

#### OTHER BUSINESS

Sir George Schuster then moved for a supplementary demand of Rs. 263,000 towards expenditure under the control of the Secretary of State. There were a large number of token cuts to raise a debate regarding the inadequate representations of certain interests at the Round Table Conference, but these were either overruled as having already been raised in New Delhi or were not moved except one by Mr. B. N. Misra who moved a token cut to protest against the non-representation of Nationalist Muslims at the Round Table Conference.

Sir Mohammed Yakub asked whether Mr. Jinnah and Sir Ali Imam, president of the Nationalist Muslim Conference, were not Nationalists and did not agree that the absence of Dr. Ansari was creating a deadlock.

Mr. Misra withdrew the motion. The supplementary demand was passed.

#### ROAD DEVELOPMENT FUND

Thereafter Mr. J. A. Shillidy moved a resolution regarding the utilization of the Road Development Fund for the ordinary maintenance of Roads by local Governments on certain conditions.

Messrs. B. Das and Hethcote spoke briefly. Mr. Shillidy gave the assurance that local Governments would be required to refund the money given out of the fund. The resolution was passed.

## PURCHASE OF RAILWAYS

*Sir George Rainy* then moved a long resolution embodying the unanimous recommendations of the special committee of the Assembly regarding the purchase of the B. N. W. and Rohilkhand and Kumaon Railways and regarding the working of the Tirhoot Railway and Lucknow Bareilly Railway. A number of speakers from the provinces traversed by these Railways took part in the discussion.

*Mr. Raju* moved a formal amendment. *Sir George Rainy* accepted the amendment and replying to the debate hoped that the companies concerned would agree to an extension of the period. As regards the suggestion by *Dr. Ziauddin* that the Finance Member should be able to find money somehow, he said that the Finance Member was already engaged in those pursuits and hoped that the members would help him in the next session over his budget. (Laughter.) The Railway Member however added 'It will not be possible in the course of the present year to raise £12,000,000 in the London market.'

The resolution as amended was passed.

## COMPULSORY LABOUR

*Sir James Crerar* moved that the draft convention and recommendations concerning forced or compulsory labour adopted by the 11th session of the International Labour Conference be not ratified.

*Sir James Crerar* introducing the resolution stated that a strict application of this convention would operate destructively upon the beneficent reclamation activities in criminal settlements in respect of men, women and children. Their population was nearly 30,000 spread over 61 settlements in most of which reclamation work was proceeding rapidly enabling people to become useful citizens.

*Mr. Gaya Prasad Singh* moving an amendment to ratify the draft convention objected to bringing this important question at the far end of the session. He pointed out that *begar* was being enforced under slender pretexts and wanted immediate stoppage of all forced and compulsory labour during the tours of the Viceroy and other high officials. The Salvation Army under the guise of humanitarian work was engaged in proselytizing criminal tribes into Christianity. Finally, he appealed to the Government to make modifications in the Criminal Tribes Act instead of not ratifying the convention.

After further discussion on this amendment by Messrs. Das, Ziauddin and Sitaramaraju, *Sir James Crerar* replying said that the Government could not accept the convention piecemeal.

The amendment was lost.

*Mr. B. Das* moved that while considering that the draft convention on forced labour cannot be ratified until Art. 2 thereof is modified so as to exclude labour exacted under the Criminal Tribes Act and other similar social legislation in force in India, this Assembly recommends to the Government of India that they proceed to take action on all other provisions contained in the draft convention and recommendations as soon as may be practicable.

*Mr. B. Das* objected to the High Commissioner being always the leader of the Indian group at the International Labour Conference and wanted that his advisers will be all men of knowledge of Indian conditions.

*Sir James Crerar* accepted the amendment which was carried.

## REGULATION OF HOURS OF WORK

Lastly the House discussed the motion of *Mr. Shillidy* about non-ratification and non-acceptance of the draft convention and recommendations of the 14th session of the International Labour Conference concerning the regulation of hours of work in commercial offices, hotels, theatres, etc.

The resolution was adopted.

This concluded the business of the session except the Finance Bill for the consideration of which the President adjourned the House till Nov. 4 at Delhi.



## The November Session

The Assembly met at New Delhi on the 4th November 1931, for the special session which is the first of its kind to deal with the Supplementary Finance Bill and the first to be held in November.

Sir George Schuster entered into an elaborate defence of the Government proposals while moving for consideration of the Bill.

As regards the question whether the Government had relied too much on new taxation and too little on retrenchment, the Finance Member referred to the cuts in pay and said though there was a good deal to be said for a graduated scale on the lines recommended by the main Retrenchment Committee, the figures worked out by him of resultant savings so far as concerned the central Government excluding railways and army, showed that the savings from the adoption of the graduated scale would only be about 102 lakhs as against 128 lakhs from the 10 per cent flat cut, with the exception of all pays below Rs. 40 per mensem.

The Finance Member referred to the suggestion of the General Purposes Sub-Committee for the withdrawal of the costly Lee concessions and said the removal of the concessions would be a discriminatory action of a most unfair kind, as they had been granted after full examination of all circumstances and were designed to meet the existing grievances. They were designed, in effect, to correct inequalities between the various classes of officers. It would be palpable injustice, remarked the Finance Member, to make financial stringency an excuse for restoring those inequalities and Government must definitely set their face against any action of this kind.

Turning to the suggestion of income-tax on leave salaries and allowances, Sir George Schuster thought the removal of this privilege at the present moment when the Government were putting a severe tax on all officials by a substantial cut in pay, including full leave pay, would not be fair.

After referring to the effected and proposed economies in expenditure, the Finance Member dealing with the taxation proposals said that they must be regarded essentially as a whole and he warned that any attempt to alter it in detail would only open a way to unending argument and destroy the broad purpose of the whole plan.

Mr. B. Das, opposing the motion for the consideration of the Bill, made it clear that he or his colleague Mr. Amarnath Dutt had no intention to move the bill being referred to a select committee. The speaker did not wish to refer to the question of retrenchment beyond the suggestion that the Government in agreement with non-officials should consent to the tabling of a motion on that subject. Mr. Das criticised the taxation proposals, specially in regard to salt, machinery and income-tax, and suggested that the Government could find extra revenues by enhancing the duty on hides and skins, by buying an excise duty on tea and also on mineral products like lubricating oils, and by equalising the import and excise duty on kerosine oil. He maintained his suggestion would yield Rs. 360 lakhs. Mr. Das warned the Government against the consequences of linking the rupee to sterling, and said he as a non-official member of the House would repudiate all debts incurred through the present currency policy.

Mian Shah Nawaz felt that due to the law of diminishing returns the expectations of the Government in the matter of extra revenues from fresh taxation would not be realised. He said the clear statement that no fresh taxation would be undertaken unless all possible avenues of retrenchment had been explored, was repudiated by the taxation proposals. For, although he greatly appreciated the work of the public servants in India, he held they were most highly paid in the whole world. He urged that the Government should declare once for all that they could not maintain such high salaries. Mian Shah Nawaz suggested a 10 per cent cut from salaries up to Rs. 500 and 15 per cent, from those higher than Rs. 500. He also urged that the Lee Concessions should immediately be withdrawn. In regard to the army the speaker said there was still ample room for retrenchment.

Kunwar Rayghubir Singh and Mr. Guptheshwar Pershad Singh also opposed the bill, the former criticising the enhancement of postal rates and the proposed abolition of postal works at Aligarh and the latter urging that the Government should show earnestness for retrenchment before they came to the House for extra revenues.

*Bhai Parmanand* said the salaried classes had benefitted by the fall in the prices and they should be taxed and not the producers who were suffering from the economic depression.

*Mr. Lalchand Navalrai* challenged the constitutionalism of legislating for 18 months on financial and taxation matters and protested against the tax on the poor.

The Assembly at this stage adjourned.

**5th. NOVEMBER :—***Mr. Shanmukham Chetty* spoke first to-day on the Finance Bill. He occupied one hour and gave a clear analysis on the financial position. While the Finance Member yesterday pleaded for determination that India should live within her means, *Mr. Chetty* complained that the Government since 1927 had been living beyond this means. He quoted figures for years 1927 to the current year and said that they were faced with a total deficit of 19.55 lakhs and for the next year also they would have a deficit. As against this *Mr. Chetty* calculated the total reduction in expenditure in the current year both by retrenchment and cuts in pay of only 90 lakhs and revenue by additional taxation only 8 crores and 15 lakhs leaving a deficit of 10.20 crores for the next year. Next year the Finance Member expected to raise an additional revenue of 15.82 crores thereby bringing the total additional revenue to 25 crores so that there might be a surplus of 5 crores and 23 lakhs at the end of the next year.

*Mr. Chetty* affirmed that every Indian was as anxious and in fact more anxious than the Britisher to maintain financial soundness and integrity of India. But if still he opposed any item of taxation and made any proposals for adoption by the Government, it was because the country had reached a stage in the matter of taxed burden which was almost the breaking point. There had been additional taxation for three years ending with 1931-32 of no less than 51½ crores and by a curious coincidence the military expenditure was exactly that amount. In the circumstances it was no wonder that even the European Association, Madras, passed a resolution demanding a reduction in the military expenditure. It was a sad commentary when the country was being so heavily taxed the military expenditure had not been reduced even by a single pie. Referring to the proposals of additional taxation *Mr. Chetty* alluded to the import duty of raw cotton and additional 10 per cent duty on machinery both of which he condemned as imposing a hardship on the agriculturist and on the mill industry at a time when both badly required relief. Even on the Secretary of State's own admission the duty on machinery was an alleviating factor in favour of Britain when considered in the light of the increased import duty into India on cotton goods. *Mr. Chetty* further objected to the lowering of the taxable minimum to Rs. 1,000 and suggested the minimum at Rs. 1,500 and not Rs. 1,000. He also opposed the surcharge on salt and said that sentimental considerations besides others must be respected.

He calculated the loss to the Government from his proposals as follows : From removal of duty on raw cotton for the current year, 43 lakhs; for the next year, 87 lakhs ; from removal of duty on machinery 53 lakhs current, 103 next year ; restoring the taxable minimum, 38 lakhs current, 70 next year ; removal of surcharge on salt, 21 current, 85 lakhs next year ; keeping postage at the present rate, 37 lakhs current, 73 next year.

Total 191 lakhs current and 418 lakhs next year.

To meet this loss *Mr. Chetty* supported the suggestion of *Mr. B. Das* for the equalising of the excise and import duty on kerosine and increasing the duty on lubricating oil yielding 125 lakhs in the current and next year, asking the military department to reduce its expenditure by 166 lakhs and leaving the balance of 318 lakhs to be covered in two years.

*Mr. Sitarama Raja* criticised the military expenditure and suggested economies therein by a reduction in the Army and by asking the Home Government to share a part of the expenditure. He urged that the nation-building departments should not be touched in search for economy. He demanded greater than ten centum cuts in salaries and criticized the enhanced postal rates.

*Mr. Nooraji Dumasia* alluded to the memoranda submitted to the Secretary of State by the Finance department and claimed that it was for the Government of India to adjust its expenditure to the existing sources of revenue as indicated in those memoranda and not to put additional burden which seemed to be permanent. The Finance department had asserted that the specimen budgets enclosed with the memoranda had nothing to do with the forthcoming constitutional changes, nor had any special connection with the idea of federation. 'But we must be pardoned

if we assume that the present proposals are meant not to strain federal finances from the start which would prevent the Indian States from willingly joining it.'

Dr. Dalal supported the bill. He admitted that the taxation proposals were drastic which might involve misery to the people, but claimed that they were justified to meet the crisis. He appealed to the people to make sacrifices patiently and not to make the situation worse. Dr. Dalal referred to the proposal of the Retrenchment Committee for abolition of the posts of director-general of the Indian Medical Services and the public health commissioner with the Government of India which he characterised as most retrograde. He welcomed the Government's decision not to accept that recommendation and suggested the appointment of a committee of experts to devise a scheme of the medical needs of future India.

Mr. Amarnath Dutt declared that he would not give supplies to a Government which was so maladministering the country. The faults of Home and other departments had been piled upon the devoted head of the Finance Member. If the Finance and Home Members had exchanged places, there would have been better Government. (Laughter). He did not mind being called an unfair and dishonest critic as he would lose his public life if the Government approved of his work. As regards the restoration of financial equilibrium, he said: 'If you want to have the luxury of ruling India and pose before the world as the great Moghul, bring some money for the upkeep of the administration instead of robbing the poor people of our villages.'

The Assembly then adjourned.

MR. MEMBER:—Mr. Amarnath Dutt, continuing his unfinished speech, referred to the Hijli incident which he characterised as a concerted homicidal attack on unarmed detenus. The army, he said, was professed to be maintained for the safety of India from foreign invasion. What would be the condition if foreign power invaded India? There would be a hand-to-hand fight and killing on both sides. Hijli was a case in point where brutal murders worse than those that could be committed by invaders were perpetrated.

Mr. H. P. Mody criticised the Finance Bill on three grounds. He, firstly, objected to budgetting for 18 months. The Finance Member, five months after the last budget, found that the revenue receipts had fallen short by 19 crores. What guarantee could there be that the present calculation would not be completely upset during the next five months?

Mr. Mody next referred to army expenditure and held that due to the 18d ratio and low prices it would have been easy for the Government to bring it to the 50 crores limit some years ago and thereby save at least 25 crores of India's money.

Lastly, Mr. Mody offered to produce an evenly balanced budget without any objectionable features if the Finance Member withdrew the present Finance Bill.

Sir Hari Singh Gour, leader of the Nationalist Party, asked the Government also to realise facts and eschew sentiment. The reality was that the Government which was in a minority in this House was overruling the decisions of the majority and in spite of repeated efforts, since the reforms began, to reduce the military and civil expenditure, they were still at high level. According to the accredited economic adviser of the Simon Commission the military expenditure in India was out of all proportion to the civil expenditure. According to the decision of the Brussels Conference the military expenditure should not exceed 20 per cent. of the total expenditure but India was unique in retaining it now at 62½ per cent. of the Central Government's expenditure and 30 per cent. of the total expenditure of both the Central and Provincial Governments. And this when India, according to Lord Curzon, possessed the finest fighting material. The British army in India was on Lord Curzon's own admission being maintained for Imperial purposes and Sir Hari Singh Gour asked the Finance Member to use his good offices to see that a substantial portion of expenditure on the British army in India was met from the British Government's exchequer. In this matter Sir Hari Singh Gour asserted that several fights had been put up by members of the Delhi Cabinet who were overruled by the Moghul at the White Hall, 6,000 miles away. He further thought that in this matter the convention laid down by the Joint Parliamentary Committee viz., (that where the Legislature and the Government agreed there would be no interference) had not been observed. Proceeding, Sir H. S. Gour took legal objection to the Assembly being asked to vote supplies for 18 months at a stretch and warned the Assembly that by agreeing to vote for the Finance Bill they would be doing an injustice to the several retrenchment sub-committees whose recommendations had not



Sir *Abdur Rahim*, analysing the situation, felt that the question before the House was how much of the budget should be balanced by retrenchment and how much of it by taxation. With this was interlinked the question of the taxable capacity of the people. The speaker said that the taxable limit had already been reached, as was proved by the deterioration in Government receipts. The only method of balancing the budget was through retrenchment. Speaking as Chairman of the General Purposes Retrenchment Advisory Committee, Sir *Abdur Rahim* said that they had recommended savings to the extent of 131 lakhs in their first interim report, while the Government accepted proposals which would effect savings of 70 lakhs in their expenditure.

Sir *Abdur Rahim* dealt with the various departments separately. He asked why the costly offices of the Fire for General of I.M.S. and the Public Health Commissioner were maintained when these were transferred subjects. Then, again, why not either abolish the Central Agricultural Council or give it power over institutes like Pusa? Next, dealing with the Home Department, he said that this department had a large secretariat staff of its own, and yet, on various subjects, it had subsidiary offices. Thus, there was the Public Services Commission, Bureau of Information and the Bureau of Intelligence. Similarly, other departments had subsidiary branches. "I have it on the authority of Sir Ross Barker that when five members of the Public Service Commission have dealt with any subject it goes to the Home Department and is dealt with ab initio." Then again, no less than 150 to 200 lakhs had been spent during the past ten years on commissions and committees and yet the report of every commission or committee was examined afresh. He complained that the Government had not been fair to the Retrenchment Committee reports as the retrenchment proposals had not been given effect to in all cases. Thus, for instance, they had found that every inch of ground in India had been surveyed and that there was no more work for the Survey Department. But they were told that a new and more accurate method of surveying had been discovered and for that purpose they agreed to pour 15 lakhs to be spent. The Government, however, had not accepted it and wished to have a bigger staff. This department was useful mainly for the military and was one of those many invisible military items of expenditure which were not included in the military budget.

Sir *Abdur Rahim*, summing up his review of the Civil Departments said: "We have examined the salaries in all departments and have come to the deliberate conclusion that in almost every department the existing salaries from top to bottom are fixed on a high scale and must be substantially reduced."

He next dealt with the question of army expenditure and said that besides the army budget of 51 crores of rupees they were spending 25 lakhs on the Frontier Watch and Ward, 17 lakhs as losses on Military Railways, 80 lakhs on railway concessions for army and there was expenditure on several auxiliary services, kept for the army, such as wireless and survey. Thus the total of military expenditure really was not 51 crores, but 60 crores, and out of this only four-halt to five crores reduction was proposed. "We maintain that there is a great scope for reduction in the army to balance the budget, and that still further economies can be made on the civil side and that the axe should be applied without hesitation to save the taxpayer from bearing any further burdens."

Sir *Abdur Rahim* continuing asked what justification was there for them to exempt pensions, paid from the Indian revenues or salaries on leave from income tax? These would yield over a crore of revenue. Then, again, the Lee Concessions were costing 150 lakhs. They were based on a higher cost of living which had now been lowered (some official voices—No, No).

He then criticised the taxation proposals and concluded: "Your import and export figures should tell you that the limit of taxation is reached. The only practicable course is to retrench our expenditure to the level of your revenue. I submit that otherwise the Government is driving the country to desperation."

After speeches by Mr. Gaya Pershad Sinha, Sir M. Yakub and the reply of Sir G. Schuster the motion for consideration of the Bill was passed. The Assembly then adjourned till the 11th.

### Finance Bill Debate

*10th, NOVEMBER* :—After announcing that the power to decide whether any amendment required the Governor-General's sanction or not vested entirely in the chair, the President proposed that discussion on the Finance Bill should begin now.

*Mr. S. C. Mitra* thereupon moved that Clause Two be omitted. He argued that everything to-day was in jeopardy and the fact that this Bill had been found necessary after eight months showed that legislation for eighteen months would be out of place. Sir. George Schuster had agreed previously with the House that retrenchment should be tried first. Had this been done? He demanded that reports of all retrenchment sub-committees be placed before the Assembly for detailed discussion with a view to examining which part of retrenchment had been accepted and which not. Only then could they approach the House with proposals for taxation.

He gave the instance of graduated cut proposal sanctioned by the Retrenchment Committee with dissent under the Chairmanship of Sir. George Schuster and yet owing to pressure from above and below Sir. George had yielded to ten per cent cut. *Mr. Mitra* added that when Sir George Schuster had argued that the Lee concessions had become part of the pay, why had then these been included for the purpose of calculating even a ten per cent cut in the pay. *Mr. Mitra* referred next to the lower pay being excluded from the cut and said that members of the Retrenchment Committee agreed to this being kept between forty and sixty merely in the interest of people who received low wages. But now that cut had been applied to lower employees in Railways and Posts and Telegraphs. They discovered that the Government agreement of exempting Rs. 40 salary was merely to save the police salary from the cut and not to relieve the poor of injury from the axe.

*Mr. Maswood Ahmed* said that unless the effect of high taxation was known it should not be extended. Why should the Government be afraid of the next session of the Assembly unless they wished to take advantage of the absence of members in London.

*Mr. Azharali* said that the budget had proved that the Prime Minister's assurance for financial assistance had put the country in a fool's paradise. He could not understand why the Government should make provision for eighteen months when England had not departed from the normal twelve months procedure.

*Mr. Jog* complained that the Government were not playing the game.

*Mr. Harbans Singh* also charged the Government with unfairness.

*Mr. Elliott* said that the House had agreed that in the interests of India the Government should have a balanced budget and therefore, the remedy provided by "Doctor Schuster" should be accepted.

*Mr. Lalechand Navalrai* considered it unreasonable to overlook the question of legality of legislating for 18 months merely because it was an emergency budget. He himself thought it was premature to bring forward a Bill tenable for 18 months.

*Mr. C. S. Ranga Iyer* quoted from the resolutions of the Madras European Association to the effect that deficit should be mainly met by retrenchment and remarked that *Mr. Brooke Elliott* had changed his front after coming to Delhi.

*Mr. Brooke Elliott* informed *Mr. Iyer* that his change of position was due to Government having agreed to make retrenchments.

*Mr. Arthur Moore*, leader of the European group, asked the Opposition parties to realise that this was an emergency budget and thought that they would be tested their attitude on this budget just in the same manner as England was tested recently. This was the time and this was the opportunity to show to the world that "we are a nation in the making."

**12th. NOVEMBER :—**The Assembly met to-day to continue the discussion on *Mr. Mitra's* amendment. *Mr. Anklesaria* opposing the motion characterised the contention that the financial proposals were premature and absurd when the House had admitted that the country was in the midst of a crisis. The effect of a huge deficit in March next would be disastrous on trade and industry of the country. The speaker welcomed the import duty on raw cotton but criticised the enhanced income-tax and urged that proposals regarding income-tax might be postponed till other avenues to achieve stability were fully explored.

*Mr. Harbans Sarda* referred to the appeal for facing facts and said that one fact was that India of honey and gold had been reduced to abject poverty whereas a large section of the population did not know the luxury of two meals a day. The House was for balancing the budget, the way to which was through retrenchment and not by additional taxation. He did not agree that the ten per cent. cut in higher salaries meant the equality of sacrifices.

*Mr. Bhagatram Puri* said that when the history of the downfall of the British Empire in India will be written people might know that the Finance Member was in full sympathy with the traders and cultivators of India but his utter helplessness prevented him from doing good to this country. The Finance Bill had one good feature. It enabled the members to pass as multi-millionaires. Otherwise the whole thing was a very expensive farce. The proposal of the Finance Member was that he wanted money to run a very expensive household. Their reply was that they had no money but they could meet half way if the Finance Member had put his house in order.

In regard to the contention that the credit of the country was at stake, *Mr. Puri* said that the choice was between death and insolvency. It was far better to tell the truth than to suffer agony and misery. He criticised the army expenditure and said that reduction in its expenditure was urged in the interests of financial stringency. Government had no fear of external invasion. He added ironically that there could be no danger of internal revolution as long as amicable relations between Hindus and Mussalmans existed in India.

*Dr. Ziauddin* asked the Government to wait till the recommendations of the Retrenchment Committees were fully carried out. The House did not know what would be the world financial position next March and therefore it was unwise to budget for eighteen months. He complained that the Government had not given the non-officials a chance to discuss fresh avenues of taxation pointing out that the index numbers had a definite relation with the taxation. The Government should wait till March to see what commodities had reached the taxable limit. He deprecated the attempt to regulate the stability of the currency and criticised the additional tax on salt.

*Sir George Schuster*, replying to the debate, pointed out that the total retrenchments effected in a full year represented the substantial amount of seven and half crores which included cuts in pay to the extent of two and a quarter crores. The second point the Finance Member emphasised was that the Government would be failing in its duty and misleading the House, if in estimating for the next financial year they included any contribution from Railway Receipts to General Revenues. Any margin of surplus would not be sufficient to enable the Government to alter the present financial programme.

Answering *Mr. S. C. Mitra*, the Finance Member analysed the figures of the British Budget and maintained that the British Government had actually made genuine economies to the extent of five per cent in its budget whereas in India they were making no less than sixteen and a half per cent, and that this sixteen and a half per cent represented ninety per cent of economies suggested by the Retrenchment Committees as against the 63 per cent agreed to by the Government of recommendations of the Incheape Committee. This result was achieved by the Government which consisted of experts inviting politicians belonging to Opposition parties in the Legislature unlike as in Britain where the politicians in the Government invited the assistance of experts. Though they adopted this inverted procedure it had yielded extremely satisfactory and expeditious results.

Proceeding the Finance Member said that a good deal of uncertainty prevailed regarding the future. Firstly, they did not know what sort of a monsoon would prevail. Secondly, they did not know what constitution would come into being. No doubt, India could take advantage of the Premier's assurance of Britain's financial help to India but *Sir George* affirmed, amidst cheers of the Government and European benches, that India had no right to look to Britain for help when she had not the courage to take measures to balance the Budget and put her own house in order.

A good deal had been talked as regards the legal position in respect of the Finance Bill being tenable for eighteen months. But *Sir George* asserted there was nothing for him to answer because no case had really been made out against such a procedure and further stated that he had every right to bring a Finance Bill even once a month, if necessary. If the Bill was limited to six months then the effect of it on revenues would be disastrous indeed. For instance, the people would not purchase salt and would use existing stock. So also would be the position regarding Customs. To add to this uncertainty there was the uncertainty of constitutional future. They, however, could not allow any such uncertainties to deflect their determination to secure the budgetary stability. Any other course would only mean deceiving themselves with the feeling of optimism which Government did not share.

The House divided and rejected *Mr. S. C. Mitra's* amendment for the deletion of Clause Two by 56 votes to 48.

## IMPORT DUTY ON COTTON.

Mr. Bhupat Singh moved an amendment in Clause Three for the deletion of the import duty on cotton. He held that the duty would not give protection to Indian cotton and quoting from the Fiscal Commission Report said that raw produce should not be taxed. After several speeches the House adjourned.

**13th. NOVEMBER:**—Sir Hari Singh Gour, leader of the Nationalists, speaking first to-day emphasised that this duty was an indirect benefit to Lancashire and to the extent of 12½ per cent. It was a handicap to the development of cotton manufactures in India. And this handicap was to continue for 18 months.

Sir George Schuster interrupted asking on what authority he said that this duty would not be kept after March 31, 1933.

*Sir Hari Singh Gour* :—Ah, now the cat is out of the bag and any one who thought that there would be remission of taxation would be foredoomed to disappointment.

*Sir George Schuster* interrupted stating : 'I was calling attention to the distinction between the customs duty which normally is not voted every year and the income-tax which is voted every year.'

*Sir Hari Singh Gour* :—Does the Finance Member say that the emergency budget with all its proposals of taxation avowedly for 18 months is going to be perpetuated ?

There was no answer.

Proceeding, Sir H. S. Gour explained the estimated growth of cotton of several varieties this year in many provinces and affirmed that there was bound to be a shortage. It was this time which was chosen by the Finance Member to impose this handicap to the Indian cotton manufacture and Sir H. S. Gour feared that the duty was bound to extinguish the growing cotton industry.

*Haji Abdulla Haroon* supported the duty and informed the House that an improvement in the cultivation of long staple cotton had been achieved in Sind and the Punjab during recent years.

*Mr. Ramkrishna Reddy*, speaking as a representative of the agriculturist, urged that the salvation of the country lay in the development of agriculture alongside with industries. Viewed from that standpoint the duty should be opposed.

*Mr. Bhagatram Pari* by quoting figures from the Central Cotton Committee's report showed to the House that the assertions made by Mr. Anklesaria yesterday were not founded on facts. He pointed out that, in order that India could compete with the foreign manufacturer in producing finer cloth, it was essential to import long staple cotton which India could not produce to-day. The duty would, therefore, injure the mill industry and also the Indian settlers in East Africa without giving any appreciable benefit to the Indian cultivator.

*Sir George Schuster*, replying to the debate, confessed that the Government case stood solidly on the need for revenue but one of the secondary effects was the help to the agriculturists in India. It was true there was a difference of opinion between Sir George Rainy and Mr. Shammukham Chetty regarding the effect of this duty on long staple cotton, for whereas the latter thought that it meant a rise in the price by 5 per cent, the former thought it was 3 per cent. Even taking it was 5 per cent, it only meant a very small proportion of the output of Indian mills. There was no extra burden upon that portion of the product which was made with Indian cotton. The cotton mill industry had during recent years obtained the advantages of rise in the import duty on textiles. No doubt Bombay was very important but Bombay was not the whole of India. The millowners went on producing more and more even though they said that they were working at a loss.

But the Finance Member affirmed that India was the only manufacturing country which was enjoying any sort of prosperity in the textile world. Would Mr. Mody prefer a duty on raw cotton ? (No answer.) The conclusion was obvious. Anyway agriculturists also need some protection. Mr. Shammukham Chetty stated yesterday that there was no appreciable quantity of long staple cotton produced in India and, therefore, the millowners in India must import from Uganda and other countries. The Finance Member quoted figures to show that the average of five years, 1925-30 was a total production of 2,24,000 bales of long staple cotton in India. Sir George Schuster also quoted figures to show that the premium on long staple cotton had improved by Rs. 20 and that it was mainly because of the increased import duty.



This was some evidence that the import duty had been of benefit to the cotton grower in India.

The amendment of Mr. Bhupat Singh against the duty was lost by 49 against 60 votes amidst cheers from the official and European benches.

#### DUTY ON MACHINERY

*Mr. Hariraj Sarup* moved an amendment for the deletion of the proposed duty on machinery from the bill. He held that the duty would retard the industrial progress of the country and would ultimately affect the agricultural development.

*Sir George Schuster*, replying to the debate, said the last few years' record of the Government in giving protection to industries should clearly show that the charge of crushing Indian industries was unfounded. He was perfectly prepared to say that when the revenue position of the Government improved, the duty on machinery would be among the very first which the Government would take off. He wanted the house to review the budget as a whole and they would find that the Government had given due consideration to every aspect of the case and had taken into account the national feeling in framing the financial proposal. The correct position might have been to levy a countervailing excise duty whenever any customs duty was imposed. This the Government had not done on account of the national feeling on the subject. Members had urged that the Government should have equalised the excise and import duty on kerosene oil. They should take into account that oil companies had to import consumable machinery to a large extent. Under the proposal before the house the Burma Oil Co. alone would be taxed to the extent of Rs. 13,00,000 a year. He again reminded the house that the budget was an emergency measure and the effect of the amendment would be a loss of Rs. 1,55,00,000 to the Government in the next eighteen months.

The house divided and the amendment was adopted by 53 votes to 52.

#### AN AMENDMENT WITHDRAWN

*Mr. Sitarama Raju* moved an amendment that in part 1 of schedule 1 to the bill amendment No. 4 be omitted. This amendment No. 4 in the bill was in item No. 27A. For the figures Re. 1-4 in the last column the words Re. 1 shall be substituted.

*Mr. Sitarama Raju* was allowed to move the amendment which he did; but withdrew it after *Sir George Rainy* explained the circumstances under which the duty ought to be reduced from 1-4 to 1. The House then adjourned.

**14th. NOVEMBER :—**The House to-day solved the legal tangle over yesterday's vote, omitting the clause which proposed to take machinery off the free list of tariff schedule.

The proceedings were initiated with the adoption, without a discussion, of the following motion by *Sir George Rainy* : "In part one of schedule one to the Bill, after amendment 9, the following be inserted : In item 46-D, for figure 5 the figure 8 shall be substituted."

The President then called upon *Mr. Hariraj Swarup*, *Mr. Ramkrishna Reddi* and *Mr. B. Das* to move the amendments omitting the clause for the imposition of a ten per cent duty on machinery. None of the three members were in their seats.

*Mr. Chetty* thereupon raised a point of order that, the House having yesterday declined to take machinery off the free list, these amendments were out of order and it was not necessary to move them.

The President declared that, though the House had recorded its wish in the matter yesterday, yet the clause for imposing a ten per cent duty on machinery was a part of the Bill and must be taken off by consequential amendment.

*Mr. Chetty* : Then I suggest that the Government should move the consequential amendment.

*Sir George Rainy* : I suggest that the rules of the House be waived to enable *Mr. Chetty* to move the amendment. (Laughter).

The rules were then waived and *Mr. Chetty* moved the amendment.

*Sir George Rainy* said : The House is being seriously embarrassed by purely fortuitous circumstances. The Government had considered their position as regards this amendment and their decision was that it would not be consistent with what was desirable and proper in the regulation of the proceedings of the House that they

should make any attempt at this stage or in this form to ask the House to reverse the decision it had arrived yesterday. (Applause)

The amendment was thereupon treated as consequential and passed, so that the Assembly's vote against the import duty on machinery stands for the moment.

The House then passed the schedule as amended.

#### INCONSISTENT PROPOSAL.

Dr. Ziauddin Ahmed moved for the deletion of clause four from the Bill. His reasons were that the proposal to levy a surcharge was not consistent with a 10 per cent cut in the salaries. He would withdraw his amendment if a uniform cut of 25 per cent were effected in all salaries for he held that the surcharge should be equal to the cuts. Proceeding, he said that salaries below a certain limit had been exempted from the cut. In the same way, some commodities should be exempted, while a surcharge of three, five and ten per cent should be levied on others according to the capacity of the commodities to bear the tax.

After Sir George Schuster had explained the attitude of the Government in regard to the surcharge the amendment was rejected by the House.

#### SURCHARGE ON SALT

Mr. George Morgan moved the deletion of the provision which included a surcharge on the Salt (additional import duty) Act of 1931. He pointed out that the surcharge would upset the calculations on which the previous Act was based in determining a fair selling price of foreign salt.

Sir George Schuster said that this was a case which proved the contention he had made on a previous motion and he assured the House that if this point had struck them before they would not have included the salt additional import duty Act in this Bill. He said that if the amendment were passed then the Government would have to refund about thirty thousand rupees collected so far under surcharge, thereby causing trouble and complication.

This was agreed to and the amendment was withdrawn with the unanimous consent of the House.

#### EXEMPTION OF TAX ON NUTS.

Mr. De'Souza moved an amendment for the exemption of Cashew kernels from the additional import duty.

The Finance Member promised to institute a fuller enquiry. He admitted that there was a prima facie case for not instituting this extra duty. He further agreed that, by imposing the duty, they might be damaging a purely Indian Industry. If, as a result of the enquiry proposed, the Government found executive action necessary in the desired direction, they would remit a portion of the duty under section 23 of the Sea Customs Act.

Mr. De'Souza withdrew the amendment.

#### PRINTING PAPER

Mr. A. Das moved an amendment against surcharge of twenty-five per cent. on printing paper. He said that in the interest of the publishers and printers it was not fair to impose this surcharge on a commodity, which was already heavily taxed. He suggested that if Government could not meet the loss they could impose a duty on imported wood pulp.

Sir George Rainy informed that the Tariff Board had submitted its report on this question only ten days ago, and in ordinary course the recommendations of the Board would be considered in the winter session when the whole matter could be thoroughly discussed. But, for the time being, Government could not make any distinction in respect of printing paper.

Mr. A. Das withdrew the amendment.

#### TAX ON SALT

The next question discussed was the surcharge on salt. Mr. Lalchand Navalrai gave an elaborate history of the question of the Salt Act Satyagraha last year and the consequent employment of additional police force, which involved expenditure. Even with the lessons of that episode Government had not stopped short of imposing a

surcharge on an article, which was necessary for the people. He quoted from the views of the Secretaries of State for India and also from the Premier Mr. Ramsay MacDonald in support of his contention that this "oppressive" additional tax should be removed. The House then adjourned till the 16th.

**16th. NOVEMBER:**—The House re-assembling to-day, Mr. S. C. Mitra enquired of the Government at the outset whether in view of their acceptance of Mr. Morgan's amendment of Nov. 14 they were prepared to exempt salt from a levy surcharge of 25 per cent.

Sir George Schuster explained that Mr. Morgan's amendment related to special duty imposed on foreign salt in March last. This duty was imposed for the definite purpose of regulating the price of foreign salt at Rs. 6-6 per cwt. If this duty was subjected to 25 per cent surcharge, the protection granted to salt would be much greater than recommended by the Tariff Board. There could, therefore, be no justification for exempting excise duty from the surcharge.

**Mr. Mitra.**—The idea underlying the special duty on salt was to stabilise the price of foreign salt in India and give protection to manufacturers of Indian salt. If foreign salt was not subject to surcharge, but the Indian salt was, the parity of prices between the two would be disturbed and the surcharge on excise duty having been raised, the prices of Indian salt, the extent of protection to Indian salt, would be reduced.

Sir George Schuster, intervening, further explained that the Government levied customs duty on all the salt imported by sea in India, while there was a specific duty on foreign salt. By statute the amount of import duty was determined by excise duty. The House by accepting Clause 4 of the Bill had already agreed to 25 per cent. surcharge on import duty on salt. It now by accepting the amendment the House did not impose surcharge on excise duty it would create technical difficulties which might affect the import duty also.

Sir George Schuster said the discussion on the subject had been short, probably because the arguments were well known. He said the consumption of salt had grown steadily and past experience had not shown that variation in duty had not led to a change in the consumption figures. Mr. Mitra had said that whenever there was need for taxation the Government ran to the poor man's income. "If we do that in proper proportion, I do not know to what can my hon. friend object? We have until this moment refrained from touching the salt duty. We feel that the salt tax can be relied upon to produce money, that it should be regarded as a sort of ultimate reserve in the hands of the Government. Friends, imagine any occasion on which the justification for having some recourse to your ultimate reserve would be strong than it is to-day. You class in India 355 out of 360 million men as poor men and if a poor man is not to be taxed, then you would be limiting the powers of the Government to deal with the financial emergencies. We must regard this salt tax surcharge as most reliable in the whole of our financial plan. The private individual would under the surcharge pay one anna per annum per head. This tax has been imposed for two months. We have not seen any great popular feeling against it. The extra burden has not been unduly increased by the dealers, and to the Government it is the soundest part of its proposals."

The motion of Mr. Lalchand Navalrai was then voted and rejected by 48 to 55 votes.

#### ENHANCED POSTAL RATES

Mr. Sitaram Raju then moved the omission of Clause 6.

Mr. Sitaram Raju, moving the amendment against enhanced postal rates, referred to the object laid down by the Government 60 years ago, when the postal department was started, that it should be considered as a public utility department and not as a commercial concern for revenue. Originally, the rates were quarter-anna and half-anna for post card and envelope respectively and when they were raised in 1922 to half-anna and one-anna there was an enormous fall in postal traffic. He pointed out the inconsistency in the increased rates of only 25 per cent on envelope which was largely used by rich people and businessmen and 50 per cent on post card which was only a means of communication between the poor people in distant places. The speaker foresaw a considerable fall in postal traffic if the increase was made and averred that people would more freely carry letters through buses which touched numerous villages than through post offices.

*Sir Joseph Bore* said the postal deficit was Rs. 181 lakhs, which after accounting for adjustments, was Rs. 132 lakhs. Of this, Rs. 60 lakhs covered retrenchment, which was the maximum they could carry out immediately. A deficit of Rs. 72 lakhs must be covered. The two alternatives were, firstly, to increase the postal rates and, secondly, to meet it from the general revenue. The second alternative meant that those who used the postal facilities wished to pass on the burden to other shoulders. (Applause.) Continuing, he assured the House that the Government's policy was of treating the post office as a public utility service and that when there was a surplus it would be used to extend the facilities to rural areas, but if money was not given they would be postponing these facilities, on which the Assembly had been so keen, to the Greek calends. As for the cost on the population, 536 million post cards were used a year which gave three post card per head of the adult population and meant an extra three pice per head per annum. If, however, 50 million only used post cards, then the cost per head of the adult population was three-fourths of a pice per month. That was not much. What the Government was asking for was that the cost of the service must be paid. The postal service was open for use on a voluntary basis, and people could limit their correspondence to their needs. He said that foreign postage was also increased by 25 per cent. so that a letter would now cost two and a half annas instead of two.

Comparing the position in India with the other countries of the world, *Sir Joseph* said that Belgium and Japan alone would be having cheaper postage than India would have under the new rates, but then Japan hardly covered the distance of an Indian province, while Belgium charged an anna and two pice for covering less than the area of a district in the Madras presidency. 'We carry letters from Cape Comorin to Peshawar. In this sub-continent, distance is a great element to be considered, and we claim ours to be the cheapest postal service in the world.' (Applause.)

*Mr. Raju's* motion was then put to the vote and carried by 63 votes against 16. The House then adjourned.

#### NO TAX ON LOWER INCOME

17th. NOVEMBER :—*Mr. Harbilas Sarda* moved an amendment to-day for the deletion of clause seven of the Finance Bill relating to the lowering of the incidence of income tax. He held that the proposal would act very harshly on the lower and middle classes and drive petty shop-keepers to bankruptcy. The Income Tax Act, he said, was very unsatisfactory as, unlike English law, it did not provide for judicial appeals.

*Mr. H. P. Mody* supported *Mr. Sarda's* amendment. He felt great sympathy for the middle and lower middle classes who had to keep up the standard of living and had not received much benefit from the drop in prices. Their case, indeed, was absolutely pitiable. When the Finance Member mentioned the higher percentage of taxes borne by the British and Japanese he forgot the much higher income per head in those countries.

*Mr. H. C. Desanges* said that a national emergency had been caused by world factors and he had given the Government his vote to get over it. 'But when you come to taxing the poor people with an income of Rs. 84 a month I stop there. (Applause). In England the minimum taxable income for a married man is £360. In England you have something of a human touch. You think of the man, his wife and child. But here you are wanting in human touch. (Hear, hear). Let's be human when we are dealing with the masses. I admit that the Government must live, but the individual must also exit. Then you are having a cut of 10 per cent. A man drawing two hundred rupees will have 9 per cent. but one drawing four thousand only 6 per cent. Why this differentiation? Why cannot your all-India services, who are well paid, allow a 10 per cent cut without any deduction? In no country in the world where a cut is applied is income-tax or surcharge included. (Applause). There is no breach of contract. When you got the Lee Concessions, which gave you more than you expected was not there a breach of contract? Then, again, do you realize that, by lowering the income-tax, you are giving wide powers to your income-tax machinery to use them, probably excessively? My plea is let those that have more pay more. (Applause).

*Mr. J. N. Aggarwal* congratulated *Mr. Desanges* and said that the lowering of the income-tax would be a deadly blow to the poorer families, three hundred thousand of whom would be roped in. He reminded the Government that in

England relief was given for the family and even the dependents, and relief for earned income. Thus for a bachelor the income-tax limit was £250 and for a family man £350. If that was the limit in England, why lower it in India?

*Dr. De' Souza* supported the amendment on behalf of the Indian Christian community. He said that the members of his community were poor and were mostly earning less than Rs. 100 per month. The economic depression and the depreciated rupee had already hit them hard and this additional burden would deprive them of the necessities of life, lower their standard of living and accentuate trade depression. The speaker feared that there will be a great deal of evasion of the tax and he appealed to the European members to lend their support in the interests of the well-being and contentment of their employees. *Mr. De'Souza* appealed to the Government to give the tax some human touch if they were unwilling to accept the amendment. In any case he wanted the Finance Member to assure the House that, when the financial situation eased, this tax would be the first to be taken off and the additional staff required for the Income Tax Department would be recruited from those thrown out of employment on account of retrenchment. He warned the Government that the once-contented and loyal Christian community had already begun to take to politics and measures like the one before the House might drive its members to take to revolutionary activities. He suggested an export duty on manure to balance the deficit.

*Mr. Wallytullah* supported the amendment and said that too frequent changes in the Income Tax Act was leading to a great deal of dislocation and misery amongst the people. The proposal would affect harshly petty shop-keepers and specially bus-owners.

*Sir George Schuster*, replying to the debate, said that though the vote of the House did not always reflect judgment based on convincing speeches, he would seriously attempt to convince the Assembly of the justice of the Government's case. He asked the House to view the lowering of the income tax level in proportion and in its setting. This was no new innovation. In 1860 income tax was levied on incomes of not less than Rs. 200 per annum. The minimum exemption limit was then increased to five hundred. Gradually it was increased to one thousand and the income tax on incomes of that level was only finally remitted in 1919. Remission then was undoubtedly a proper measure because the country could not afford it. The prices were very high after the War and Rs. 1000 then certainly did not represent what it represented before the War. But since then there had been an extraordinary fall in the cost of the main necessities of life. As *Mr. Yamin Khan* had said, the price of agricultural products has gone back to the 1903 level. The whole basis of the country's income, on which the Government of India and the Provincial Governments had to rely for taxation, was dependent on agricultural prices. They, therefore, had recourse again to the standards of taxation applied in 1903. In those days Rs. 1000 was considered a fair limit. There was, therefore, nothing outrageous in the proposition that Rs. 1000 in India represented a fair limit for this direct form of taxation. He emphasised that the Government expected to get something like nineteen crores out of incomes above two thousand rupees, whereas they sought to get something like seventy lakhs from incomes below two thousand rupees. Thus they were not overburdening those income tax payers who earned between one thousand and two thousand. A cultivator had to pay tax on his income in the form of land tax, however low it was. There was no low limit there. Why should there be a low limit of exemption for men who made money not by cultivation but in keeping small shops or driving a motor car?

The Finance Member then held that the Government proposal was justified on financial grounds. He said that it broadened the basis of taxation and there was some public advantage derived in imposing direct taxation on this class of people, because they would take a direct interest in the economy of public administration. He said: "I would ask my friends opposite to consider the responsibility that may be theirs in future of considering the interests as members of the public, resting as they may under some danger that popular governments may give way to popular clamours for popular forms of expenditure. I would ask them to consider whether it will not be of advantage to the country that there will be a large class of this kind that directly feels in the form of direct taxation the result of any form of public expenditure. These are not mere debating. They are serious arguments which have influenced us in coming forward with what we knew would be a very unpopular measure."

The amendment was carried by 65 against 44 votes.

#### AMENDMENT AGAINST INCREASING RATE

*Mr. Lalchand Navalrai* moved an amendment for the omission of clause eight of the Finance Bill which provided that rates of income-tax and super-tax now in force should be increased by 12 centum in the Financial year of 1932-33. He disputed the claim that the proposal would hit only the rich people, for, he maintained, there were hardly any rich people left in the country. He also criticised the provision which would give retrospective effect to the assessment of income tax.

*Mr. Tait (Burma)* said that if he did not criticise the provisions of the clause it was only because his group were anxious to help the Government to balance the budget at a time of grave national emergency. He, however, severely criticised the evasions of the income tax which he asserted had assumed alarming proportions of seven crores a year. There was therefore the urgent necessity of combating this organised evasion of the income tax and he had no hesitation in saying that he would reserve to himself the right of refusing taxation proposals next March, if he was not convinced that the situation had improved. He urged that if there was need, the Government should amend the rules, regulations and laws of the land and even the personnel of the Income Tax Department in order to eradicate the evil. He suggested the Government to take necessary powers so that every assessee would present his certified and audited accounts to the income tax officer; secondly that any one who failed to keep or produce accounts be penalised by yearly doubling his tax, till he kept or produced his account; thirdly income tax authorities should stamp and seal the account books which without such marks would not be held admissible by the courts and fourthly, the law should be amended to punish the offenders with rigorous imprisonment and three times the existing rate of fines.

*Mr. Puri* : In the case of a big firm whom would you like to be imprisoned ?

*Mr. Tait* : The directors.

*Sir H. S. Gour* : If the directors are away, will you imprison the manager ?

*Mr. Tait* quoted an instance where a person was fined Rs. 60 which was half of what the Government would have lost, if the case had not been detected.

Finally, he pleaded that as in the past, the Government should by notification give exemption to incomes on which tax had been already paid, but which under the Act are liable to re-assessment.

*Sir Hari Singh Gour* felt that the last speech of *Sir George Shuster* gave indications that the policy of the Government was to broaden the basis of taxation. He, however, was of opinion that the income tax was already sufficiently high and should not be further enhanced. He criticised the rule-making provisions for a Central Board of Revenue incorporated in the clause and said that it was a most novel proposal in an already antiquated piece of legislation. He also felt that the Government should not have attempted to alter the Income Tax Act, when the trend of proceedings of the Round Table Conference showed that income tax might be a provincial subject.

*Mr. Arthur Moore*, leader of the European group, said that his community was the most hit under the present scheme of taxation. He explained how from morning till night everything he touched was a taxed article. The only thing which he enjoyed free was the plethora of speeches in the Assembly (laughter). The only thing which the Finance Member does not tax is sleep. This was the lot of a European who now found it difficult to live in this country. No wonder he often felt as if he was a lamb for slaughter. If in spite of this the European group voted with the Government on this question it was solely because they were convinced that there was in India a national emergency and they were not prepared as some of their Indian colleagues to be told that they had failed on this occasion.

*Mr. Amarnath Dutt* said that there was no evasion of the income tax on the part of professionalists like lawyers etc. In fact some lawyers paid more to the Government in the form of income tax in the hope that they could maintain respectability before their clients and get more revenue. He opined that income below ten thousand rupees should not be taxed, but on the present occasion he wanted that the surtax should be half of what the Government imposed. But he was in the first instance for no increase in the income tax and the supertax.

The Assembly then adjourned.

18th. NOVEMBER :—*Sir Abdur Rahim* said the entire Indian public opinion was against the scheme of taxation and even Anglo-Indian opinion did not support it : yet the British group of members in the House had been always going into the Government lobby. He said that under the Government of India Act they were not called to support the Government. If the Government was always in the right there would be no need for the Assembly. They (the non-officials) were there to criticise the Government and guide it in the light of public opinion. (Applause.) The British elected group always voting with the Government was destroying the spirit of the Reforms Act. The income-tax proposals would ruin all trade and business and he warned the landlords and agriculturists that it would be their turn next. The next course was for the Government to retrench. He challenged the view that India's credit was at stake. There would have been no loss to India's credit if the Finance Member had waited till the end of February before coming up with his budget proposals. That would have enabled them all to put forward a retrenchment plan sufficiently all-embracing to cover the entire deficit. He concluded : 'The stand we have taken up is that there should be no further taxation and to that we stick.'

*Mr. Elliot* said on this occasion their little family did not see eye to eye together and he for one would support the amendment. His chief contention was that by taxing those already taxed the Government was breaking them or driving them to methods of evasion. On the other hand, they contended that if only the Government checked the gross and wholesale evasions of income-tax there would be no need for further burden on those who paid income-tax at present. He said that retrospective legislation might be desirable in cases where indemnity is necessary but to apply a tax retrospectively was vicious and wrong in principle.

*Mr. Dumasia* held that the supplementary budget had not even the redeeming features of the curate's egg, which was good at least in parts. He held that the Congress agitation was due to starvation and unemployment in the country, and the present budget would give an impetus for a no-tax campaign when Mahatma Gandhi returned to India. He doubted if there was any precedent where such a heavy additional taxation was imposed in the interests of national emergency by an anti-national Government almost on the verge of bankruptcy. *Mr. Dumasia* said that if only the Government gave them control over the army, they would produce a balanced budget. He appealed to the Government to stay their hands from further taxation.

*Sir George Schuster* said that with the exception of *Mr. Elliot's* speech the rest had no relevance to the particular issue before the House. He asked the House to compare the position in India with that in England. In England, a person having an income of Rs. 16,000 year was required to pay a tax of £145 before the emergency budget and £194 after the emergency budget, which increased the tax by 33 per cent. as against 25 per cent proposed in India. This was much higher than the proposal in India, where a person with an income of Rs. 16,000 would pay £125 as income-tax. *Sir George Schuster* asked whether a 10 per cent tax on income was high in facing a national emergency.

As regards the objection to retrospective effect, this was undoubtedly an objectionable feature of the Government's proposals, but he repudiated the suggestion they were asking for retrospective taxation. They were merely asking for a 25 per cent increase for the remaining half year, but in order to meet the legal provisions of the income-tax law they were spreading it over a year at the rate of 12½ per cent. 'What we are doing is exactly what the British Government have decided to do, and the British Government cannot be accused of taking a dishonourable action.'

*Mr. Elliot*.—I did not say it was dishonourable. I said it was a wrong action.

The Finance Member next referred to the improvement in trade conditions and the favourable rupee exchange, and remarked :—'The result has been partly produced by the knowledge that the world got, by the announcement of our programme, that we in India are going to tackle the situation and introduce budgetary balance.'

The Finance Member repudiated the reflections cast on the income-tax administration. He said :—'The Finance and Income-tax departments are almost entirely staffed by Indians. I can say that in my experience of working in different parts of the world I have never come across a more devoted and honest service than in my own department and the income-tax staff working throughout the country. (Applause.) I entirely refuse to believe that the standard of administration in the income-tax department is lower than the standard of administration throughout the Govern-

ment service in India, and I maintain the standard of Government service in India stands comparison with that of any country in the world.' (Applause.)

Sir George Schuster, referring the charge of evasions, said that a most thorough and searching examination would be made but public opinion was a considerable factor in this respect. There were evasions of income-tax in all countries, and even in England, which had such a long history of working of the income-tax, evasions were substantial and were at one time estimated to amount to £10 to £20 million per annum. One of the tests was that they should judge the relative figures regarding income-tax receipts between limited companies and the smaller income-tax payers who ran small businesses. A comparison between these two showed that there was a larger percentage of increase in the assessment of the smaller business concerns than the larger limited companies.

Sir George Schuster next referred to Mr. Anklesaria's challenge that no country with a favourable balance of trade had been, or need be, worried about the budgetary balance. He said the balance of trade was not merely to be judged by the visible exports or imports, which were in favour of India, but by payments for external debts. Thus, in Britain though trade was unfavourable, Britain, having lent enormous sums to the outside world, had a favourable balance and was yet resorting to budgetary balance.

He had been told by Mr. Anklesaria: "If you cannot immediately reduce your expenditure go to your banker and find a commodation." But what if the banker refused to accommodate them until they put their house in order? We are now suffering from the results of 1921-22, when India borrowed to meet her deficits. Those maturing loans are giving us trouble. You cannot repeat that again, and if you do, you will be leaving a legacy which will lead to the ruin of the country."

The motion of Mr. Navaratni for the deletion of the clause relating to surcharge on income-tax and super-tax was then put to the vote and defeated by 52 votes to 56.

#### SURCHARGEABLE INCOMES

Kunwar Raghubir Singh moved an amendment for the exemption of income below Rs. 10,000 from the additional levy of surcharge.

Sir George Schuster explained that the effect of the amendment would be a loss to the Government of Rs. 45 lakhs in the current year and Rs. 65 lakhs in the next year. He said that for the present income-tax had been levied on a graduated scale from top to bottom and the surcharge did not disturb this scheme of things. The amendment he felt would create difficulties and disturb this arrangement. Sir George Schuster submitted that at a time of national crisis the proposed tax was not too heavy a burden for anybody.

The amendment was presented to a division and rejected by 43 votes to 15 votes.

#### RULE-MAKING POWERS

Mr. Amarnath Dutt moved the deletion of sub-clause (2) of clause 8 relating to the rule-making powers sought to be given to the Central Board of Revenue. He said the Finance Member did not himself go to collect money but he sent income-tax assessors to collect money for the Government. He, therefore, strongly objected to the provision for additional powers for such men.

Sir George Schuster, winding up the debate, stated that the provision in reality was in the interests of the assessors for an equitable levy of the tax. He assured the House that the Central Board of Revenue would be directed to act under the bill in a reasonable and equitable manner. He told the House that the rules proposed to be introduced under the bill were still in their draft form and any suggestions on behalf of non-officials would be given due consideration.

The motion was rejected and clause 8 was adopted by 55 votes to 45.

#### 18 MONTH PERIOD

Mr. Harbilas Sarda moved the deletion of clause 9, which proposed additional income-tax and supertax for the next financial year. He said that the crushing burden of taxation would cripple the small industries and all other financial undertaking and that the effects of this taxation on the social life of the country would also be bad.



19th. NOVEMBER :—Mr. Lalchand Navalrai held the House was not convinced that there was a national emergency and should provide all the money demanded by the Finance Member.

Mr. Wallayatullah complained that unlike the cuts in salaries no provision had been made in the bill for fixing the additional taxation to a period of emergency.

Sir Mahomed Yakub, supporting the Government, appealed to the House to show a sense of responsibility when the question of responsibility at the centre was being discussed in London. He felt the real remedy lay in regulating the system of and registration of money-lenders.

Mr. Misra criticised the administration of the Income-tax department.

Sir Hari Singh Gour raised the constitutional issue of 13 months' budget and said that the House did not know the extent to which Government expenditure would amount and, therefore, could not be expected to vote for additional revenues.

Dr. Ziauddin complained that the Government did not wish to axe the Lee and other concessions and yet they were asking the House to vote for additional revenues.

Sir George Schuster said the key to the Government position was national emergency. He pointed out that the House had already accepted the principle of extending the provisions of the Finance Bill to 1932-33, as also of levying a surcharge on income and supertaxes and voting for the amendment would mean going back on those decisions. He also stated that the crux of the problem lay in bringing about budgetary equilibrium and show to the world that they were determined to achieve it. The amendment would mean not showing that fairness.

The House rejected the amendment by 53 votes to 59.

#### SURCHARGE ON INCOME-TAX

Kunwar Raghubir Singh moved that the surcharge on income-tax during the next financial year should only be on incomes of over Rs. 10,000. He made no speech nor did Mr. Ramkrishna Reddi who seconded the amendment.

Sir George Schuster formally opposed on behalf of the Government. The amendment was carried by 63 against 48 votes. The remaining clauses in the bill were then adopted.

Sir George Schuster, when called upon by the Chair to move the third reading said: 'In view of the fact that substantial amendments have been passed in the measure as introduced by the Government I would, on behalf of the Government, ask you to give us time to consider the position.'

Sir George Rainy suggested that it would be possible to explain the Government's position tomorrow afternoon. The President accordingly adjourned the House.

#### FINANCE BILL THROWN OUT—VICEROY'S RECOM. REJECTED

20th. NOVEMBER :—The President read the Governor-General's message recommending for the acceptance of the amendments which will restore the position contemplated when the Finance Bill was introduced. His Excellency emphasised that it was essential in the interests of the country, particularly for the protection of financial stability, that revenue and expenditure should be balanced until the end of the next financial year. Hence he could not allow the deficiency of four crores caused by the Assembly rejection. Certain clauses remain uncovered.

The recommended bill was laid on the table.

Sir Hari Singh Gour, the leader of the Opposition, said that the least that the Nationalists could do was to entirely dissociate themselves from further progress of the bill as they were unable to lend assistance for placing on the Statute Book the bill as recommended.

Sir Abdur Rahim, on behalf of the Independents, declared that it was impossible to defy public opinion. It was Government which had driven the unofficials to a position in which they could not take effective part in the discussion of the Bill.

When the bill was taken into consideration, the Finance Member moving for the acceptance of the amendments, Sir Hari Singh Gour, Sir Abdur Rahim and Mr. Yamin Khan left their seats and went into the lobbies followed by their respective followers, the only exceptions being the Raja of Kollengode, Mr. C. S. Ranga Iyer and Mr. Das. So the first amendment was carried by 48 votes to 8. All the other amendments restoring the other rejected clauses were passed without division.

When, however, the Finance Member moved the third reading of the Bill all the Opposition members walked in and joined in voting down the measure by 63 votes against 48 amidst loud cheers of the non-officials. The House, then, adjourned *sine die*.

# The Bengal Legislative Council

## PRESIDENT :—RAJA SAHEB OF SANTOSH

The autumn session of the Bengal Legislative Council opened in Calcutta on the 20th. July 1931, the hon. the *Raja Sahab of Santosh* presiding. His Excellency the Governor was present. Sir A. K. Ghuznavi was welcomed by the President on his return from Mecca and other holy places.

Replying to a question whether any instance had been brought to the notice of the Government in which Congressmen in Bengal had failed to carry out the terms of the Settlement arrived at between Lord Irwin and Mr. Gandhi, the Home Member said it did not conduce to the satisfactory carrying out of the settlement to give publicity to such details at this time.

### BENGAL MINISTERS AND R. T. C.

In the absence of Mr. B. C. Chatterjee, Mr. S. M. Bose moved a resolution claiming adequate representation for Bengal on the Round Table Conference and on the Federal Structure Sub-Committee in view of the importance of the province.

Speaking during the debate, the Home Member, Mr. W. D. R. Prentice, assured the House that the proceedings would be forwarded to the Government of India for action.

Khan Bahadur Abdul Momen, former Commissioner of Chittagong Division, who was sworn in to-day, said that it was unfortunate that Bengal which had made considerable sacrifices during the last half century in the cause of the struggle for self-government had been relegated to a back seat when the goal was about to be reached. He failed to understand why the United Provinces and Bombay should be given the task of handling the communal problem which would be more profitably done by Bengal if there were more men to represent the province on the Conference.

Sir Launcelot Travers, leader of the European group also supported the motion, which was adopted.

**21st. JULY:**—In the afternoon to-day a motion for the adjournment of the business of the House to discuss the execution of Dinesh Chandra Gupta the murderer of Lt. Col. N. S. Simpson was disallowed by the President.

### OFFICIAL BILLS

Official business was transacted in the Council to-day. Two bills were placed on the statute book, the third was referred to a Select Committee and the fourth circulated for eliciting public opinion.

Mr. Bijoy Prasad Singh Roy, Minister for Local Self-Government, was in charge of all the bills.

*The Bengal Mining Settlements (Amendment) Bill of 1931* passed by the House, provided that, instead of a mine the owner of the mine itself should be liable for payments of its contribution to the Government. Secondly, it invested the Mining Board at Asansol with the power to frame bye-laws, subject to the approval of the local Government.

*The Calcutta Improvement (Amendment) Bill of 1931* was next adopted.

### TAXATION ON MOTOR VEHICLES

The House referred the *Bengal Motor Vehicles Tax Bill (1931)* to a Select Committee. The bill followed closely on the lines of that passed in Bihar and Orissa, and provided for the taxation of motor vehicles, and for expenditure on roads of the proceeds. The bill superseded the existing powers of the Calcutta Corporation to tax motor vehicles, and in return provided for payment by the local Government to Corporation of an annual sum of four lakhs, based on the receipts of the taxation of motor vehicles by the Corporation during 1929-30, as the first charge on receipts from the taxation under the bill.

## CONTROL OF OPIUM SMOKING

The House decided to circulate the *Bengal Opium Smoking Bill of 1931* which provided for the control of the practice of smoking prepared from opium. The intention of the Government in introducing the bill in its present form, was to carry out the obligation of the Government of India under the terms of the First Geneva Opium Convention of 1925 to suppress smoking of opium as speedily as possible. With this end in view, it was sought to register persons already addicted to opium smoking in Bengal and to permit such persons only to indulge in the practice. Any persons other than such registered smokers indulging in the practice, would render themselves liable to prosecution and punishment.

*Rai Bahadur Dr. Haridhone Dutt* and *Sir Nilratan Sircar* advocated the total suppression of the evil as in the opinion of the latter registering the vice meant its recognition and toleration.

The Minister, in reply, pointed out that persons addicted to the vice were mostly Chinese, who were foreigners, and so they had got to handle these people very delicately and to a certain extent respect their habits.

*Mr. Dutt* informed the House that he had received a letter from the Chinese Consul urging him to use his influence to see that the evil was totally suppressed.

The Council then adjourned till the 23rd.

## BENGAL STATE AID TO INDUSTRIES BILL

23rd JULY:—The question whether the State should be a partner in industry was raised by the European group in the Council to-day in connection with the consideration of the *Bengal State Aid to Industries Bill 1931*, introduced by the Minister, Mr. Farquhar. Among other forms of state aid, the Bill provided a clause that the state could invest money in industry by taking shares and debentures in it.

*Mr. C. C. Cooper*, on behalf of the European group, moved the clause as his party wanted to avoid the danger of the possibility of the Government being pressed to invest money in industrial undertakings. In fact they were opposed to state-partnership in industry.

*Mr. Weston*, director of industries, pointed out that Bihar and Orissa, Madras and Mysore had this clause, and this was not a startling innovation. Moreover, in progressive countries the Governments took an active part in industry, while the Governments at home, both past and present, had given state aid to industries.

*Dr. N. C. Sen-Gupta* cited the case of Tata's, who were receiving state aid and maintained that a state aid was absolutely necessary in order to attract private capital.

*Sir H. L. Travers* remarked that they were in favour of starting new industries in Bengal. What they wanted was that state assistance should not be given by taking shares and debentures. In their opinion, a loan was a far more suitable way of giving assistance.

*Mr. Cooper's* amendment to delete the clause was lost by 70 votes to 37. A few other amendments were put but lost.

## THE JUTE RESTRICTION BILL

By 61 votes to 18, the Council rejected the motion of *Dr. N. C. Sen Gupta* to refer the Bengal Jute Bill of 1931 to a select committee. The British Group and the Moslem Group combined with the Government in opposing the reference of the motion with the result that the Bill was "killed".

The object of the Bill was to secure the regulation of the total area of land cultivated with jute through the agency of union boards according to the direction of a central board to be set up for the purpose.

The Minister-in-charge opposed the motion as, in his opinion, the Bill was impracticable. He further suggested the intensive propaganda in rural areas for the purpose. The Minister asked the mover to wait, as the Government of India had taken up the question of setting up a Central Committee, which would be charged with the duty of looking after the interests of the jute industry from the field to the factory.

## BENGAL STATE AID TO INDUSTRIES BILL

24th JULY:—The Bengal State Aid to Industries Bill, 1931, intended to obtain statutory powers to enable state aid to be given for the purpose of encouraging cottage industries, was passed by the Council to-day.

Section 21 of the Act provided that state aid may be given, in the manner prescribed in the Act to

- (1) a new or nascent industry,
- (2) an industry to be newly established in a area where such industries are undeveloped and
- (3) a cottage industry, including industries conducted by groups or organisations of artisans.

State aid to industries, under the Act, will be given either in the form of loan to be secured and repaid in the prescribed manner, the guarantee of a cash credit overdraft, or fixed advance with a bank to be secured and the amount realised thereunder by any industry to be repaid in the prescribed manner, the taking of shares and debentures, the guarantee of interest on preference shares or debentures to be secured and the amount realised thereunder by any industry to be repaid in the prescribed manner, the guarantee of a minimum return on the whole or part of the capital of a joint stock company to be secured and the amount realised thereunder by any industry to be repaid in the prescribed manner, the grant on favourable terms of land, raw material, fire wood, water or any other property of the Local Government, the payment of subsidy for the conduct of research and the purchase of machinery and the supply of machinery on the hire-purchase system.

The Act provided for the establishment of the "Board of Industries" to be set up for carrying out the purpose of the Act.

When the Bill had been passed, the *Hon. Khan Bahadur K. G. M. Farouqi*, Minister in charge of the Bill, congratulated the House on the passage of the Bill and hoped that it would meet popular demand and go a great way towards the encouragement of cottage industries.

The Council then held a short sitting in the afternoon when after disposing of non-official bills it was adjourned till 27th.

Of the seven bills introduced, two were scratched for not having been circulated in time among the members, one was referred to a Select Committee, and the remaining four bills were circulated for eliciting public opinion.

#### MUNICIPAL ACT AMEND. BILL

*Kumar M. Deb Rai Mahasari* introduced a Bill to amend section 13 of the Bengal Municipal Act of 1881 so as to remove sex disqualification for registration on the electoral rolls of Municipalities. He pointed out that the recent part taken by the women in the political struggle showed unmistakably that there had been a new era in Modern Bengal, quite unknown fifty years ago, when the Act was passed. It was up to the House, in the changed circumstances to remove the disqualification now figuring in the statute book.

The Bill was circulated for eliciting public opinion.

#### GARLICK MURDER CONDEMNED

27th. JULY :—On the motion of *Sir Lancelot Travers*, leader of the European Group, the Council adjourned its sitting to-day as a mark of universal condemnation of the dastardly outrage on Mr. R. R. Garlick, District Judge, Alipur.

The motion which was supported by the leaders of the various groups was carried.

Adjourning the House till the 29th, the *Hon. Raja Sir Manmatha Nath Roy Choudhury* of Santosh, president of the Council, said : "Gentlemen of the House, I am greatly horrified to hear of the dastardly crime. It is really a great shock to me, because Mr. Garlick was personally known to me. It is really deplorable that a public servant of Mr. Garlick's reputation should die in the hands of assassins while doing his duty. I quite agree with you all in thinking that it is impossible for us to transact any business to-day."

#### STORES PURCHASE IN BENGAL

29th. JULY :—The Council to-day adopted a resolution recommending to the Government that instructions be issued to all purchasing departments of the Government of Bengal that, in making purchases, preference be given to articles manufactured in Bengal and the Director of Industries be consulted and given an effective voice in determining the quality of the goods."

*Mr. R. N. Gilchrist*, on behalf of the Government, pointed out that the policy of the Government in this respect was exactly the same as that outlined in the resolution. Accordingly, he asked the mover to withdraw the resolution. The resolution was however put to vote and carried without a division.

Four resolutions which were moved, one asking for an agricultural loan, another asking that the sale of charas be prohibited at once in Bengal, were eventually withdrawn on the assurance of the Hon'ble Member in charge to look into the matters sympathetically. The Council then adjourned.

#### MOTION FOR PRESIDENT'S REMOVAL

30th. JULY :—In accordance with the wishes of the leaders of the various groups, the President refused to admit a short-notice motion of *Mr. Jalaluddin Hashemy*, to remove the Hon'ble Raja Sir Manmathanath Ray Chowdhury from the office of President of the House because of "his unjust, unfair and arbitrary conduct in the discharge of his duties, his failure to hold the balance even between the different members of the House, and his discourtesy and arrogance towards the members of the House."

Under the rules, ten days' clear notice was required, and the President asked the House to give him a mandate whether he should exercise his discretion and admit this short notice motion.

The Leader of the House, the Hon'ble *Mr. A. Marr* followed by the leaders of the Hindu, Mahomedan and European groups, requested the Chair to refuse to admit the motion, stating that they were surprised to hear the adjectives in the motion and dissociated themselves entirely from the mover.

In these circumstances, the President ordered that the motion be not admitted.

#### NAMASUDRA RESERVATION

31st. JULY :—In the Council to-day, a non-official resolution asking the Government to reserve twenty per cent of the appointments in all the provincial services for candidates from the Namasudra and other backward communities, was withdrawn on the assurance of the Home Member that the Government recognised the very natural desire of the communities to have a larger share in appointments and the desirability of satisfying the desire as far as possible.

#### JUTE CROP FORECASTS

A resolution requesting the Government to discontinue the practice of issuing an annual forecast of the jute crop, both preliminary and final, was withdrawn on the assurance of the Minister-in-charge, who maintained that the Government forecasts were correct for all practical purposes, and repudiated the allegation that they were published only in the interest of traders.

During the question time, Minister *K. G. M. Faruqui* stated that the change of date of the final forecast of jute from the fourth week of September to the first week of September was made at the instance of the Bengal Chamber of Commerce in order to shorten the interim period between the preliminary and final forecast during which gambling operations on the price of jute took place. He added that the Government proposed to publish a forecast earlier henceforward.

#### GRANT FOR BENGAL POLICE

3rd. AUGUST :—The Council carried to-day, by 75 votes to 20, the motion of the Home Member, the Hon'ble *Mr. W. D. R. Prentice*, for the grant of Rs. 5,15,000 for the current financial year to meet the extra costs of bringing the police force upto the present minimum requirements.

A non-official motion to reduce the amount by Rs. 5,14,999 was defeated.

"The increase in crimes, the increase in widespread terrorism and the decline in the influence of the police, as a result of the civil disobedience movement", were the three main grounds upon which the Home Member based his demand for the police. The general unsettlement caused by the civil disobedience movement, he observed, had opened new recruiting grounds for the apostles of violence.

The Home Member referred to the speeches and writings continually stressing that the Agreement was a "truce" and not a "peace" and also urging the people to organise and prepare themselves for a "fiercer and more bitter fight" than the past one. It would be useless, he commented, for the Government to disregard such

warnings, and wicked for them not to seek precautions if the warnings became a fact.

Explaining the demand in detail, the Home Member said that owing to terrorist activity, precautionary measures had been taken in the past to meet the menace, involving not only recruitment, from time to time, of additional temporary staff for guards on offices and buildings, but also the mobilising of part of the existing reserves on similar duties. An increase in the Central and District Intelligence Branches had also been found necessary. The situation had shown no signs of improvement as regards revolutionary movements. In Calcutta, the Home Member said the activities of the terrorist party had rendered it essential for them to take special protective measures and 45 sergeants and 49 armed police had been taken for the purpose from the existing strength.

The condition of Bengal, observed the Home Member, was thoroughly bad. Without talking politics, he added, the present situation was partially due to economic conditions, and it was sad to notice that, owing to this many bhadralog youths took part in some of these crimes including dacoities. He was sure steady employment would be one of the most potent factors to get rid of this real danger to the community, but unfortunately there was little chance of steady employment for the bhadralog youth, who having nothing to do, committed outrages. It was a disgrace to Bengal and menace to the State. To meet the situation, he concluded, the Government agreed to put forward the demand and, they were satisfied, that they would not be discharging their responsibility if, for the sake of economy, they refused to provide the Inspector-General of Police with the forces necessary.

*Non-official members* urged the Government to consider the desirability of retrenchment in the administration of the country, while confronted with a situation like the one described by the Home Member. The members, however, generally agreed that the amount should be voted.

*Mr. Abdul Kaseem*, on the other hand, charged the Government with neglect of duty inasmuch as they had allowed incitement to crime to go on from all sides, and had not taken any steps to deal with such instigators.

The Home Member, replying to the debate, assured the House that as soon as things returned to normal, the whole matter would be reconsidered. From the Government's point of view, he was perfectly convinced that the lapse of the Press Ordinance had a very bad effect in Bengal, but there was now no law to deal with the situation except by undertaking prosecution in cases where they were sure of the magnitude of the offence committed.

#### GRANT FOR FAMINE RELIEF

*4th. AUGUST*:—The Council sanctioned to-day Rs. 30,000 for famine relief in 1931-1932, and assented to a supplementary demand for six lakhs for loans under the Land Improvement and Agriculturists Loans Act.

#### CENSURE MOTION ON PRESIDENT

The Council decided to expunge from its records all proceedings relating to the motion tabled by Mr. Hashemy on the 30th July, to remove the Hon'ble Raja Sir Manmatha Nath Roy Chaudhury from the office of the President of the House.

On the motion of the Finance Member, the Council was then *prorogued*.

# THE BOMBAY LEGISLATIVE COUNCIL

## PRESIDENT :—SIR ALI MAHMED KHAN DEHLAVI

The second session of the Bombay Legislative Council commenced at Poona on the 20th July 1931 with President *Sir Ali Mahomed Khan Dehlavi* in the chair.

### BOMBAY IRRIGATION BILL.

The first item of official business taken up was the *Bombay Irrigation Bill* for second reading which had held forth promise of considerable interest in view of the walk-out of Sind members from the meeting of the Select Committee on that Bill.

The expectation was realized for, as soon as *Sir G. B. Pradhan*, the Finance Member presented the report of the Select Committee, *Mr. A. N. Surce*, one of the members of the Select Committee rose to a point of order. According to him the Select Committee committed an irregularity in as much as the scope of the Bill had been altered as well as extended by ousting of the jurisdiction of the Civil Courts in respect of all matters relating to the alignment and construction of water courses. The point was debated at some length and after hearing the Finance Member's reply to the effect that there was no alteration but on the other hand the Bill was made more clear by the Select Committee the President upheld that the action of the Select Committee did not in fact alter or extend the scope of the Bill.

After some more discussions on the same and other points of orders which also were not upheld, it was decided to postpone the further consideration of the Bill till the next day.

### BOMBAY LOCAL BOARD ACT

On postponement of the Irrigation Bill *Sir Ruston Vakil*, Minister of Local Self-Government introduced a Bill to amend the *Bombay Local Boards Act 1923*. The main provisions of the Bill related to the Police Patels, who under the present law were disqualified from becoming members of the Local Boards. The Bill proposed to make the Patels eligible to be members of Local Boards.

There was some opposition to this. A number of non-official members including *Rao Bahadur Chitule* and *Rao Bahadur Kale* did not appreciate the idea of Police Patels, who are paid officials of the Government, to be on the Local Boards. Eventually, the Bill passed all the three readings with a slight amendment to Clause 4.

### AMENDING DIST. POLICE ACT.

*The Honourable Mr. G. A. Thomas*, Home Member, next moved the first reading of the Bill No. 16 of 1930, a Bill to amend the *District Police Act 1930*.

The Home Member explained briefly the purpose of the Bill, which mainly affected Section 42 of the Police Act. Section 42 (1) of the *Bombay District Police Act 1930* has been interpreted by the High Court of Bombay in *Emperor v. Dattatraya Laxman Sarpotdar* to mean that it is necessary for Magistrate of the District or the Magistrate of First Class issuing order under that section to be present in the town or village to which the order applies or in the neighbourhood thereof at the time when he issues the order. Circumstances, however, often arise which make it impracticable for the District Magistrate to be present in person in or near the several towns and villages to which it may be necessary to apply the prohibitory order under Section 42. The amendment is intended to dispense with that condition of being present in case of District Magistrate when he issues the order. The condition will remain in the case of the Magistrate of First Class, Magistrate of the Second Class, specially empowered in this behalf, may also issue such prohibitory orders. The Bill with some discussion passed all the three readings. The House then adjourned.

### BOMBAY IRRIGATION BILL.

21st. JULY:—When the Council met to-day the Finance Member moved that the *Bombay Irrigation Bill*, as amended by the select committee, be read for the second time.

*Miran Muhammed Shah* moved an amendment that the Bill be recommitted to the select committee in order to enable the select committee members to inspect the areas affected by the Bill and then submit the report.

After some discussion a motion for closure was put and lost.

Then the general discussion continued. The members from Sind mainly took part, emphasising that legislation at the point of the bayonet was inadvisable and appealed for due consideration of the circumstances in which the people of Sind would be placed if the Bill, as amended, was passed.

The House then proceeded with non-official amendments, and the discussion on those had not finished when the Council rose for the day.

#### DASTARDLY ATTACK ON BOMBAY GOVERNOR

*22nd. JULY*.—The Council met this afternoon at 2 in an atmosphere of excitement about the news heard of the dastardly attack made by a college student on the life of the Governor of Bombay when he had been on a visit to Fergusson College this noon. The President referred in feeling terms to the incident.

The Council then proceeded with the further discussion of amendments on the second reading of the Irrigation Bill as amended by the select committee.

At the stroke of 3, the Governor, as if nothing had happened, arrived smilingly at the Council hall, at the entrance of which he was received and applauded by the members, both official and non-official. His Excellency sat in the Governor's gallery watching the Council proceedings. Opportunity was then taken by the leader of the House to call for three cheers to His Excellency for his miraculous escape, which was heartily responded to by the whole House.

After the tea interval, *Rao Bahadur Kale* moved the following resolution and about two dozen members, including the President, associated themselves with the spirit of the resolution:—

'This Council, having heard of the dastardly attack on the life of Sir Ernest Holtson, the Governor, this morning at Fergusson College, expresses its profound abhorrence at this occurrence and strongly condemns such cowardly action on the part of the assailant. It further warmly congratulates the Governor on his providential escape and admires his courage, coolness and presence of mind on the occasion.'

The House then resumed the discussion on the amendments to the *Irrigation Bill* till 7 p. m., when the Council adjourned.

*23rd. JULY*.—The Council discussed to-day the Irrigation Bill clause by clause.

The Sind members vehemently opposed all the provisions relating to the cost of construction of new water courses. They claimed that occupied lands cultivated between 1911 and 1932 which, according to them were not to be benefitted by the barrage, must be exempted from cost.

The member for Sukkur, speaking on an amendment, gave expression to the fears entertained by the Sind Zamindars, that the barrage was bound to be a total failure in no distant time.

Mr. C. S. C. Harrison, Chief Engineer, Lloyd Barrage, observed that 72 lakhs of acres of land were going to be cultivated by the barrage.

The bill was still under discussion, when the House rose.

#### REPRESENTATION OF LABOUR AT R. T. C.

*24th. JULY*.—The Council transacted non-official business to-day. The House was entertained to a lively debate the whole day on the motion for an address to the Governor to nominate representatives of labour and agriculturist to the Round Table Conference in a number commensurate with their importance and numerical strength and to bring to the notice of the Viceroy, the Secretary of State and the Prime Minister, the great dissatisfaction now prevailing among these classes on that account and to urge the nomination of their representatives to participate in the deliberations of the Round Table Conference for the purpose of safeguarding their interest.

Some heat was introduced by personal attacks. One Member suggested that since Mahatma Gandhi goes to the Round Table Conference at the Congress mandate Lord Irwin would be the fittest man to represent the rest of India.



Winding the debate the Leader of the House said that the object before the Round Table Conference was the framing of a constitution for India and for that brains were wanted and not heads. If the report of the proceedings were sent they would be ridiculed. Labour and other interests were well represented and he asked the House not to press the motion as well as the amendments.

The non-official members pressed for a division. Poll was taken with the result that the original motion with an amendment was carried, 31 for and 20 against. The Government did not take part in voting. The Council adjourned till the 27th.

#### DISCUSSION ON IRRIGATION BILL

**27th. JULY:**—The Council resumed to-day discussion, clause by clause, on the second reading of the Irrigation Bill. There was a debate for the whole of the day on sec. 92 of the Bill which dealt with the construction of new water courses and liability of landholders for payments of the cost thereof.

**29th. JULY:**—After six days' discussion, the Sind members opposing clause after clause, the second reading of the Irrigation Bill was passed in the Council to-day without much change as it emerged from the select committee. The common complaint of the Sind members was that they were left alone by the presidency. The Finance Member in his final reply pointed out that the rectangulation and sub-rectangulation, which according to the Sind members, was an afterthought, was intended for a scientific abjournment of the water courses and not for assessing land revenue. As a matter of compromise the Government would bear one-third of the charges and the rest the zemindars should bear for the benefits accruing therefrom. The consideration of the third reading was postponed for the next day.

After passing three *Government Bills*, purely of provincial interest and after the Finance Member introduced a Bill to provide for the *regulation and control of transactions in cotton* in Bombay the House rose for the day.

**30th. JULY:**—By 60 votes to 13 the Council passed the Irrigation Bill to-day.

#### COTTON CONTROL BILL.

The Government Benches found to-day strong opposition to the Cotton Control Bill, which the Finance Member introduced yesterday. Those who opposed the measures mainly took the line that the East India Cotton Association consisted of 18 capitalist members and that unity of control meant monopoly in the hands of buyers and sellers as against cotton growers. The Bill, they held, was an attempt to control cotton by the Government under the pretext of association in the interest of Liverpool or Bombay. Though all were against speculation, it was found by experience that any amount of legislation could not prevent it. Once the Bill was passed, the local Council would not have any voice in the framing of bye laws or articles of association which rested with the Governor-in-Council as the final authority.

The Finance Member made it clear that except the principle of the Bill, which was unity of control, all defects could be remedied in the Select Committee.

Members were discussing the amendments on the first reading, when the Council adjourned.

**31st. JULY:**—The Council began to-day's official business by passing three supplementary grants. Also a *Bill further to amend the Bombay District Municipal Act, of 1901*, and the *Bombay Municipal Boroughs Act of 1925* was passed with little opposition. At the end of the day the discussion on the Cotton Transactions Bill was resumed, and the members supporting the measure stressed the need of control of world commodity prices, which were liable to fluctuations owing to speculation and world trade conditions over which they had no control. The overhauling of the East India Cotton Association was also suggested so that other associations might join it.

**1st. AUGUST:**—The *Thakor Sahib of Kerwala* opposing the Bill observed that the measure was not in the interest of the agriculturists, but was brought to protect the millowners and traders who were hit hard owing to speculation.

*Major Jones* pointed out that the Bill was not brought forward with a view to depressing the market in the interest of the exporters, as was made out by the critics.

*Mr. Surve* quoted an instance in which ready cotton worth rupees one crore and three quarters was concerned. There was gambling to the tune of 17 crores. That alone, he said, justified the necessity of Government control over cotton.

*Mr. Khukho* pleaded for 40 per cent. representation on the East India Cotton Association for the growers. The Council, at this stage, adjourned till the 3rd.

*3rd. AUGUST*.—By 41 to 44 votes, the Government sustained a defeat in the Council to-day over a non-official amendment to the Cotton Transaction Bill on the first reading. The amendment passed was in effect a negation of the principle involved in the Bill inasmuch as it extended the control to more than one association. The Finance Member thought that the amendment negated his Bill, which he subsequently withdrew.

#### INTERIM REPORT OF RETRENCHMENT COMMITTEE

The House then went on to discuss a non-official resolution on the *ad interim* report of the Government Retrenchment Committee. Various suggestions regarding reductions in Government salaries were under discussion when the House rose for the day.

*4th. AUGUST*.—The Council spent the whole of to-day in having a full dress debate on cuts proposed in the *ad interim* report of the retrenchment committee and suggesting ways and means for permanent cuts. Member after member began to hint that the time had come when definite steps should be taken regarding the salaries of the Indian Civil Service. There was a cry of economy all over the world. One member suggested: 'Retrenchment must begin from the top. Any proposal regarding retrenchment which has not begun from the top would be strongly resented. The general complaint was that under the plea of retrenchment, primary education was neglected and sacrificed for the sake of the top-heavy administration.

During the later stage the President suggested that if the Government members who had at first no idea of taking part in the debate would join in the discussion they could enlighten the House on many points about which some members were labouring under a misapprehension.

The discussion was not over when the House rose for the day.

*5th. AUGUST*.—After two days' discussion, on the recommendations of the interim report of the Retrenchment Committee, the non-official resolution was eventually withdrawn on the assurance of the leader of the House that the Government would bear in mind all the suggestions and methods proposed by the several members in respect of cuts. However he pointed out that cuts in the salaries of the all-India services were beyond the province of the local Council or even of the Government of Bombay unless the Government of India Act was changed.

Another resolution moved by a Sind member to appoint contractors to supply foodstuffs to officials on tour on payment of bills and to punish officers receiving *lapo* (illegal gratification levied by tapadars in Sind) met the same fate. The Revenue Member assured the House that they would accept the latter but not the first part of the resolution, namely, the appointment of contractors on the ground that it was not a sound business proposition.

A third resolution to prevent beggary in the presidency in general and in the city in particular was being discussed when the Council adjourned.

#### NON-OFFICIAL RESOLUTIONS

*6th. AUGUST*.—When the Council met to-day, the member from Surat wanted to move an adjournment of the House in banning a religious meeting to celebrate the Prophet's day in Surat as he was not satisfied with the Home Member's statement on the subject yesterday. But as only 24 members stood up in support of the motion, leave was not granted by the President.

*Non-official resolutions* were then disposed of. The first resolution to appoint a committee for the prevention of beggary was lost.

The second to consider and report after taking evidence as to how the financial aspect of irrigation works in the Deccan could be improved, having regard to the fact that the present return on the amount of Rs. 10 crores which was sunk in their construction was even less than one per cent., and to suggest ways and means to improve the same was accepted by the Government.

Similarly, the third resolution to give effect to the recommendations of the States' Committee, appointed to inquire into the various disabilities of the depressed classes and the aboriginal tribes of the presidency, was also accepted by the Government.

**7th. AUGUST:**—Six resolutions were debated and disposed of to-day. The first one recommended the stoppage of the block system in the Deccan canal areas and the levy of water cess according to the crops grown by the cultivators irrigating the land. The second was for the appointment of a committee to enquire into the Hindu and the Muslim *derasthan* (wakf) properties in the presidency excluding the Bombay city and to suggest means to make the possessors to use a sufficient portion of the income from such properties for the *derasthans*. The third was to take immediate steps to introduce a tenancy bill for the Khoti villagers of Ratnagiri and Colaba districts. The second and third resolutions were by leave withdrawn on an assurance by the Government that they were all under consideration. Two resolutions were lost, of which one was against the renewal this year of the temporary liquor licence to the refreshment stall in the second enclosure of the Poona race course.

At the fug end of the day the proceedings were enlivened by a communal tinge imparted to the debate on a resolution moved by a Sind Muslim member, recommending that the powers with regard to the appointment of head masters of Government high schools at present delegated to the director of public instruction, might in future be exercised by the Government themselves. The supporters argued that, because the Education Minister happened to be a Muslim, communal motives were imputed, and the opposers held that it was practically condemning the administration unless they showed that the powers delegated to the director of public instruction three years ago were abused or misused. The Leader of the House, Sir Ghulam Hussain Hidayatulla, pointed out that the principle involved in the motion was a question of decentralisation. The House eventually carried the motion on the Government members keeping neutral. The Council was then *prorogued*.

## SEPTEMBER SESSION

The third session of the Council opened at Poona on the 28th. September with Sir T. Dehlavi in the chair. At the outset the Finance Member stated that he did not propose to move the *Succession Duty Bill* during this session.

The House next proceeded to consider the *bill to amend the Indian Court Fees Act* as applied to the Bombay Presidency.

Mr. G. A. Thomas, Home Member, in moving the first reading of the bill, briefly explained the purpose of the bill, which tended to remove certain technical objections in the operation of the Court Fees Act. The object of the bill was to make clear that in suits for cancellation of decrees or documents securing money valuation should not be arbitrary at the pleasure of the plaintiff, but must be according to the value of the subject-matter of the suit where it had got a money value.

Contrary to expectations, the lawyer members of the House rose one after another and opposed the measure, contending that it proposed to levy a duplication of duty or court fees and indirectly meant a measure of taxation though brought by the Home Member under another guise, while it was rejected when the main bill relating to the Court Fees Act was under consideration of the House at the budget session in March last.

The bill was thrown out without a division.

The *bill to amend the Bombay Village Sanitation Act of 1889*, which was moved by the Minister for Local Self-Government, at first met with strong opposition from the rural members who feared that it anticipated the much-needed reform of village panchayats. However, on the assurance of the Minister that he would bring in a measure for amending the Village Panchayats Act as early as possible, the first reading was passed, 42 voting for and 27 against the bill, which was referred to a select committee. The Council then adjourned.

## NON-OFFICIAL BILLS

29th. SEPTEMBER :—Non-official bills were considered in the Council to-day.

The first was a bill further to amend the *Bombay Police Act IV of 1890* so that a criminal court might be authorised to release a convicted person after due admonition while acting under any of the clauses of sec. 91 of the said Act. As the Member in his speech pointed out that the Government was not opposing the measure, all the three readings of the bill were finished in one sitting.

The second bill was to amend the *Bombay Pleaders' Act* for commuting the pleaders' fee from 5 per cent. to 4 per cent if the amount or value of the subject matter in dispute did not exceed Rs. 2,000. Though the Government stood neutral, unnecessary heat was introduced in the first reading among the non-official lawyer members, some holding that if the measure was passed it would be a great hardship to juniors in the profession, and others holding that it would be some sort of relief to litigants as the cost of litigation was very heavy on them at present.

30th. SEPTEMBER :—Further consideration of the private bill to amend sec. 5 of the *City of Bombay Municipal Act of 1888*, abolishing the system of co-optation in the Bombay Corporation, was taken in the Council to-day.

The whole day was taken up in the discussion of the seven amendments tabled and member after member spoke in support of one or other of the amendments. Party feelings rose so high at one stage that it was thought that the discussion would not finish to-day. However, at the far end of the day the President put one amendment after another to the vote, and all except that of the Minister for Local Self-Government were rejected or withdrawn. The amendment of the Minister, raising the total number of seats in the Bombay Corporation to 112 in place of 108 as at present, that of elected seats to 86 instead of 70 as at present and Government nominations to 18 instead of 14 as at present, was eventually carried.

The bill, as amended, passed the second and third reading and the House rose for the day.

## BOMBAY CITY MUNICIPAL ACT AMEND. BILL

1st. OCTOBER :—There was a full dress debate on the question of giving the right of adult franchise to the Bombay Corporation when the Council met this afternoon. The occasion was the motion for the first reading of Mr. Bole's bill to amend the *Bombay City Municipal Act of 1888* so as to democratize the constitution of the Corporation by lowering the franchise from a rental of Rs. 10 to Rs. 5. The mover said that under the existing franchise it had been found that out of a population of 1,137,782 no less than 1,018,183 persons were deprived of the vote.

Mr. Gokhale, a member from Poona, moved an amendment for giving adult franchise without any property qualification, while some members from the non-official benches advocated adult franchise to the first city of India under 'favourable circumstances'. Others pointed out certain difficulties in going headlong without looking to the practical side of the question and also the inadvisability of passing any legislation without consulting the Bombay Corporation in the matter.

As the House desired to know the view of the Government, the Minister for Local Self-Government sounded a note of warning against hurrying to pass a legislation drastic in character, pointing out that there were very many practical difficulties in the way especially when the constitution of the whole country was in the melting-pot.

Eventually the amendment was carried, 37 voting for and 25 against it. The bill as amended passed the first reading.

Before the House rose, the bill to amend the *Bombay Pleaders' Act*, with an amendment for commuting pleaders' fees to 3 per cent. if the amount or value of the subject matter in dispute exceeded Rs. 2,000 but not Rs. 5,000, was read for the third time and passed.

2nd. OCTOBER :—The second reading of the Bill further to amend the *Bombay City Municipal Act* as amended by Mr. Gokhale for adult franchise was taken up after question time to-day.

The Leader of the House was the first to speak to day. He began by saying that he was in sympathy with the principle of adult franchise and said that when he was Minister he tried to put into action the principle of democracy. In his opinion an opportunity must be given to all communities of Bombay before bring-

ing this radical change to express their views. There were many difficulties. A large number of people would have the right to vote, but the number of seats would remain the same and thus the constituencies would be unwieldy. He said that even Mahatma Gandhi had admitted this.

*Mr. Kadri* thought that means must be found out to meet the difficulties pointed out by the Leader of the House and asked the House to refer the Bill to a Select Committee.

*Mr. Kamat* pointed out that even in England there was residential qualifications for vote and also men and women had not the same age qualification.

*Rao Bahadur Chitale* was glad to find that there was some flutter in the Government Benches. He asked why Government did not point out the difficulties when the Bill was taken for the first reading. Answering the point of unwieldy constituencies he said that the Corporation had a right to divide the City in wards. About the flight of population he said that before the voter was enlisted he was to go through a particular procedure. "Let not Government try to strangle the whole Bill. Let them accept the principle and we are ready to meet the difficulties."

*The Minister for Education* said: "How can Muslims lose seats when they are fighting for every seat?" He then said that had he been on the opposite benches he would have asked his Muslim friends to vote against the Bill.

*Mr. Sarve* pointed out the difficulties of the poor. He said that the poor were suffering under the present Corporation Rule. He asked the House to start social reforms through political reforms. He told the Muslims not to be afraid of the bogey raised.

*The Hon. Sir Rustamji Vakeel* thought it useless to circulate the Bill. He considered the Bill not in the interest of Bombay and said what object Government could have to oppose it if in future a demand was made from Bombay.

The two amendments were put to vote and lost. The original Bill of Rao Bahadur Bole as amended by Mr. Gokhale's amendment, was put to vote and rejected, 30 for and 48 against.

The business after tea recess was a dull affair. Permission to introduce as many as seven Bills regarding different subjects was asked for. This took about 15 minutes. The next Bill to come before the House for the first reading was from Mr. Gokhale. The Bill sought to amend the *Bombay District Act of 1901*.

The Leader of the House opposed the first reading of the Bill because to him certain difficulties appeared. He thought the Bill was not going to benefit anyone.

*Mr. Gokhale* replied and cleared his position.

*The Hon. Sir, Rustamji Vakeel*, the Minister-in-Charge, gave an assurance that he would take the view of the member in consideration.

Here *Mr. Gokhale* said that as the wording of the amendment is not clear he would withdraw the Bill. So it was withdrawn.

The next two Bills, one in the name of Mr. Gokhale and the other in the name of Mr. More, were not moved. The House then adjourned for the day.

#### APPLICATION OF WAKE ACT TO BOHRAS

*3rd. OCTOBER*:—After question time to-day the Minister of Education in a statement said the period of exemption for a fortnight in the application of the Wake Act to the Bohra community was in view of the fact that, as a deputation of the community waited on the Minister on Sept. 18 and challenged certain statements made by the other party, the Government wanted thoroughly to investigate in the matter.

#### BACKWARD CLASSES AND GOVT. SERVICE

The House then discussed a non-official resolution recommending the Government to increase the age-limit of 24 to 30 years for entry into Government service in the case of educationally backward communities, wherever the age limit is 25 years.

The leader of the House, Sir Gulam Hussain Hidayatullah opposing the resolution said that the Government had already shown and were continuing to show a favourable attitude towards the backward communities by giving all possible facilities for their entry into Government services and it was now up to the advocates of those communities to show their practical sympathy by helping them in their onward march to progress. After the resolution was declared carried by the President, the leader of the House called for a division and the resolution was carried, 39 voting for and 30 against it.

Another resolution not to appoint revenue officers and salaried magistrates as *ex-officio* nominated members on municipalities and local boards was still under discussion when the House adjourned for Monday.

#### NON-OFFICIAL RESOLUTIONS

5th. OCTOBER :—When the Council met this afternoon, the last non-official day of the session, four more resolutions were discussed. Further consideration of the motion not to appoint revenue officers and salaried magistrates as *ex-officio* nominated members on municipalities and local boards was first taken up and eventually rejected without division.

The second resolution was to request the Government of India to abolish the extra tax imposed upon yarn to protect the hand loom industry from dying out completely and either to prohibit the production of *sarees* below 20 counts by Indian mills or to levy excise duty on *sarees* manufactured in mills. The mover pointed out that about ten lakhs of weavers would be saved from starvation if it was passed and translated into action.

The leader of the House observed that since it was for the Government of India to decide in the matter, official members would stand neutral in the debate, but would carry out the wishes of the House if it passed the motion by forwarding the same to the Central Government. The resolution was carried 24 voting for and 19 against.

The third resolution was for doubling the emoluments at present being paid to officiating revenue and police 'patels' of the central division. Humorous speeches were made by non-official members supporting the principle underlying the resolution, but after hearing the well-reasoned speech of Mr. W. F. Hudson, Revenue Member, who pointed out that among other things it would be too expensive at the present juncture when they have to consider the financial stringency of the presidency besides making an invidious distinction to a particular division of the presidency.

The resolution was declared rejected. However, the mover pressed for division and 18 voted for and 38 against the motion.

At the far end of the day an important resolution recommending to His Excellency the Governor in Council that he be pleased to convey to the Secretary of State for India and His Majesty's Government in England through His Excellency the Governor-General in Council that it is the emphatic opinion of the Bombay Legislative Council that in the contemplated revision of the Government of India Act by the British Parliament, after the deliberations of the Round Table Conference are over, due provision be made for the adequate representation of rural areas on the local legislature of the province of Bombay and that rural franchise be so lowered and the number of seats for the constituencies be so increased as to carry out the aforesaid object, was moved. Another member moved an amendment to add the words 'and of labour in urban areas' after the words 'rural areas'. In the end when it was found that more members wanted to talk on the motion further discussion was postponed to the next session of the Council and the House adjourned for the next day.

#### APPLICATION OF WAKF ACT TO BOHRAS

6th. OCTOBER :—Soon after the question hour this afternoon Maulvi Rafiuddin Ahmed, Minister of Education, made a statement that the local Government after a careful consideration of the representation of the Dawoodi Bohra community against the application of the Wakf Act to them have come to the conclusion that the Act shall apply to them as to every other sect of Islam and that the exemption enjoyed by that community from the Act up to this time shall be withdrawn on Oct. 16 as already notified in the Gazette dated the 1st instant. In view of the above satisfactory statement the adjournment motion tabled for to-day by a Sindh Muslim member was by leave withdrawn.

#### OFFICIAL BILLS

The House then transacted official business. Five Bills, more or less of a purely local character, namely, (1) a Bill further to amend the Bombay District Municipal Act of 1901, the Bombay Local Boards Act of 1923 and the Bombay Municipal Boroughs Act of 1925, (2) a Bill to amend the Bombay Prevention of Prostitution Act of 1923, (3) a Bill to amend the City of Bombay Improvement Trust Transfer Act of 1925, (4) a Bill further to amend the Bombay Local Boards Act of 1923 and

(5) a *Bill to amend the Bombay City Municipal Act* passed all the three readings without much discussion.

Before the House adjourned for the next day the Council also passed the three readings of the *Bill to amend the Karachi Rent Restriction Act* without any debate.

7th. OCTOBER:—There was only a two-hours sitting when the Council met this afternoon. After question time the select committee report on the *Bill further to amend the Bombay Village Sanitation Act of 1888* which provides for the incorporation of sanitary committees and sanitary boards and enables to hold, acquire and transfer property vesting in them was presented. When the Bill was taken for the second reading, an objection was raised by a non-official member that before the House was supplied with translations of the same in vernaculars, it should not be taken up. However, the motion was lost and the Bill was read the second and third time with little discussion.

The House then took up the consideration of demands for supplementary grants which were also passed and when the Finance Member moved for the recording of the report of the Public Accounts Committee on appropriation of accounts of the Bombay Government for 1929-30 the non-official members wished for a full discussion on the present financial state of the presidency. According to their wishes to study the question in detail the consideration of the motion was postponed.

8th. OCTOBER :—The Council acclaimed this morning the announcement of the leader of the House and the General Member, Sir Gulam Hussain Hidayatullah, that the Members of the Executive Council and the Ministers of the Bombay Government have voluntarily offered 10 per cent. cuts, including the enhanced tax to take effect from the date when the general cuts would be introduced. He further announced that Sir Rustom Vakil, Minister for Local Self-Government, had already agreed to forego one month's salary in addition to the ten per cent cut.

Strong criticisms were levelled against the financial policy of the Government by the non-officials. Discussing the public accounts for the year 1929-30 and the report of the accountant-general thereon, member after member rose and said that during the last 10 years the additional taxation given by the House had been mainly absorbed in the cost of the establishment which has gone up unprecedentedly.

Mr. B. S. Kamat (Poona nominated), a member of the Retrenchment Committee pointed out that during the above period the total cost of establishment had gone up from Rs. 4,11,00,000 to Rs. 5,37,00,000. The number of gazetted officers has risen up from 1,621 to 1,723, costing an additional expenditure of Rs. 49,00,000. The policy of the Government of borrowing on a very large scale for new schemes and thus spending the taxpayer's money was highly to be regretted. He also complained about the Government's silence on the action taken on the recommendations of the *ad interim* report of the Retrenchment Committee. Concluding the member observed that the Bombay Government was in the grip of the Public Works and Irrigation departments' engineers and unless some solution was found for a change for the better the outlook was rather grave.

Both the Finance Secretary and the Finance Member made vigorous pleas and said that delay in Government's action was due to exceptional conditions and which were beyond their control. The Finance department had no policy of itself, but the policy of the Government. The additional revenue had been counter-balanced by the losses. It was not quite equitable to place the blame on the salaries only which should rise and naturally the expenditure must go up. No doubt they budgeted a deficit of Rs. 61,00,000 which has now gone up to one crore of rupees, mainly due to floods remissions and bad crops. The main sources of income are land revenue and excise, and when there was a fall in revenue under the former head by unexpected circumstances and the latter by the prohibition policy, there was no use blaming the Government. They further pointed out that unproductive schemes would always be covered by a sinking fund and provision for interest charges which everyone would admit was sound financial policy. The Government were doing and were still prepared to put into effect all practical and possible retrenchment proposals and schemes. Under the circumstances the criticism of the House and of the Auditor-General were not justified.

The motion was thus talked out and the Council was prorogued.

# THE MADRAS LEGISLATIVE COUNCIL

**President :—The Hon. Mr. B. Ramachandra Reddi**

## ENHANCEMENT OF LAND-ASSESSMENT

The August session of the Madras Legislative Council commenced at Madras on the 3rd. August 1931. After formal business the member from the East Coast moved an adjournment motion to discuss the Government order sanctioning re-settlement in Kistna and East and West Godavari districts and, also enhancing the rates of assessment. Explaining the urgency of the matter, the mover pointed out that the ryots were labouring under the terrific burden of economic distress and the Government order came upon them like a bolt from the blue. He wanted the house to be given an opportunity to express an opinion on the general policy.

The President admitted the motion and fixed next day for discussion.

## INDIGENOUS OIL CRUSHING INDUSTRY

The steps contemplated for effecting efficiency in the indigenous oil-crushing industry in the province formed the subject of an interesting interpellation, replying to which the Education Minister stated that the exploitation of the vast oil-seed resources of the presidency must depend to a great extent on the general industrial development and setting up of factories utilising vegetable oil as raw material, such as soap factories. Still more important, the potential outlet for vegetable oil lay in the manufacture in India of artificial fats on a large scale. He announced that in order to obtain data as to possibilities of manufacturing hardened fats, experiments would shortly be initiated at the Kerala Institute on refining, deodorisation and hydrogenation of oils and fats.

## ILL-TREATMENT OF DEPRESSED CLASSES

**4th. AUGUST:—**At the Council to-day a depressed class member moved a resolution urging an immediate inquiry and if necessary the appointment of a committee of officials and non-officials to inquire in the alleged ill-treatment of depressed classes in the Devakota sub-division of Ramnad district as alleged in a memorandum submitted to the Government by the president of the Ramnad District Adi-Dravida Mahajana Sabha. The motion was pressed to a division and carried by 69 votes to 29.

## ENHANCEMENT OF LAND ASSESSMENT

Government sustained a second defeat in course of the day on the adjournment motion censuring Government for enhancing revenue rates in the East and West Godavari and Kistna districts despite the fact that the Select Committee of the Council had recommended reduction in revenue rates. Non-official speakers warned the Government that unless enhanced rates are suspended till the termination of economic depression, there will be many 'Bardolis' in the Province.

Mr. Campbell, Revenue Member, replying, warned the non-officials against encouraging the no-tax campaign as it would recoil on themselves when their own ministers would take charge of this port-folio.

The adjournment motion was passed without the Government challenging a division.

## REDUCTION OF PAY

**5th. AUGUST:—**By 65 votes against 18, the Council rejected to-day a resolution recommending the appointment of a committee with not more than three official members, the rest being non-officials, to suggest a scheme for reduction of pay of all officers in the provincial service, drawing a salary of over one hundred rupees per mensem or such other figure that the committee might decide, the reduction extending to 50 per cent in the higher grade. The Finance Member, opposing, pointed out that as there was already a Retrenchment Committee appointed by the house the acceptance of the resolution would mean no confidence in that committee.



## DEMAND FOR MADRASEE BATTALION

The Council next passed a resolution urging the raising of 10 infantry battalions in the Madras Presidency, all consisting of Madraees.

## SAFEGUARDS FOR INDIANS IN BURMA

There was a full-fledged discussion lasting for two hours on the Burma rebellion and the plight of Indians, especially Madraees, in Burma.

Mr. T. C. Srinivasa Iyengar, the mover of the resolution, detailed the hardships of Indians and requested the local Government to address the Government of India to take all necessary measures to protect the life and property of Indians. The following is the text of the resolution :—

“This Council recommends to the Government to address the Government of India requesting them to obtain a report on the condition of Madraese residents, traders and labourers in Burma and representing to them the urgent need of taking necessary steps effectively to safe-guard their person and property and for helping the cultivators by liberal advances and traders by affording adequate credit facilities through the Imperial Bank and otherwise”.

Mr. Sami Venkatachalam Chetty, in supporting the resolution, referred to the policy of the Imperial Bank in having curtailed its advances to indigenous bankers and traders and said they should relieve the economic situation by liberal advances.

Mr. M. A. Muthiah Chetty (Kumara Raja of Chettinad) defended the policy of the Imperial Bank and said that he learnt that the case has been placed before the authorities of the Imperial Bank who were shrewd business men and he hoped the matter would receive their best consideration.

The Revenue Member, on behalf of the Government, said that everything possible had been done and promised to forward the expression of the feelings of the House both to the central and Burma Government.

The Council unanimously passed the resolution with the consent of the leader of the House and the leader of the Opposition and then adjourned till Oct. 30.

## OCTOBER SESSION

## GOVERNOR'S ADDRESS

All the galleries were crowded when the Governor addressed the Council which commenced the October session on the 30th, October 1931. His Excellency devoted the greater portion of his speech to a review of the economic position in the province and to the various retrenchment measures adopted by the Government in this connection. He mentioned that the Members of the Executive Council and the Ministers had agreed to a voluntary cut of ten per cent in their salaries and similarly there would be a voluntary cut of ten per cent in his own salaries, though in his case he was having further examination made of the commitments on his private purse with a view to a possible further surrender of his salary. The Chief Justice and Judges of the Madras High Court also agreed to a voluntary cut the amount of which will be announced later.

His Excellency then referred to the Round Table Conference and sounding an optimistic note regarding the communal question said : “Given good-will and earnest desire on all sides to solve the problem, I cannot bring myself to believe that it is not possible to find a formula which can and will satisfy all the communities. When such a formula is found, I can see no insuperable obstacle to the framing of a constitution which will give India that measure of self-government to which we all look forward.”

## OFFICIAL BILLS

The Council then passed into law two Bills to amend the Madras Suppression of Immoral Traffic Act, 1930, and the Madras Prevention of Adulteration Act of 1918, introduced by the Home Member and the Chief Minister respectively. The Madras Gaming (Amendment) Bill and the City Police (Amendment) bill were referred to select committee.

Mr. Sami Venkatachalam Chetty moved for the adjournment of the House to discuss a matter of urgent public importance, namely, the conduct of revenue officers of the Government at a public meeting held at Y. M. H. A., Ellore, on Oct. 18. The President having admitted the motion, the matter was discussed on the next day.

## THE CHIRALA MUNICIPAL AFFAIRS

**31st. OCTOBER :—**The *Chief Minister* was considerably heckled during question-hour to-day by a volley of supplementary questions from the Opposition benches arising out of a question put by *Mr. Abdul Hameed Khan* regarding the notice issued by the collector of Guntur on June 29 to certain nominated councillors of the Chirala Municipal Council asking them to explain why the Government may not be moved to take necessary action against them as, when the proposal to present an address at a cost of Rs. 50 to *Mr. Subhas Chandra Bose* on July 1, 1931, was put to vote on June 27, they left the council saying that they would be ill-treated by the volunteers if they voted against it.

The *Minister*, replying, said that as there was a clique in the municipal council bent upon embarrassing the chairman and the vice-chairman in every possible manner, the collector considered that the nominated councillors should render support to the loyal elements in the council, and it was on this principle and not under any provision of the law that the collector interfered in the matter and the collector wanted to inform the Government of the possible disloyal activities of the persons nominated by them.

## SURVEY OFFICE 'AXE'

After question-time, *Mr. V. T. Arasu* moved an adjournment of the business to discuss a matter of urgent public importance, namely, the recent order of the Revenue Board asking the director of the Central Survey Office, Madras, to dispense with the services of all temporary staff in that department numbering over 500.

The President disallowed the motion on the ground that the matter related to a temporary establishment which was now under the consideration of the retrenchment committee.

## FALL IN REVENUE

**2nd. NOVEMBER :—**Answering a question in the Council to-day as to how and to what extent the financial position of the presidency had been affected by the economic depression, the Finance Member said that a fall in the revenue by about Rs. 1,32,00,000 was anticipated in the current year, chiefly under excise and it was not possible to say what portion of the fall was due solely to the economic depression.

## THE NAMUDURI BILL

On the Law Members' motion the House agreed to circulate for eliciting opinion the *Namuduri Bill* to effect certain drastic changes in the existing customs of the Namuduri community in Malabar and the *Marumattayam Bill* introduced by two Malabar members.

The resolution of *Mr. R. M. Palat* recommending to the Government that the consideration of the proposal about a special settlement officer as approved by the Board of Revenue for the enhancement of assessment in Malabar be postponed until normal conditions are restored and that of *Mr. Satya Narayana Choudhuri* recommending to the Government that the collection of land revenue be extended over six instalments of amounts were carried without a division.

**3rd. NOVEMBER :—**The Council passed to-day the *Elementary Education Amendment Bill* as modified by the select committee and adjourned to meet again on Jan. 26.

# THE U. P. LEGISLATIVE COUNCIL

**PRESIDENT :—The Hon. Sir Sita Ram**

**GOVERNOR ON AGRARIAN DISTRESS**

The July session of the United Provinces Legislative Council commenced at Lucknow on the 20th July 1931, with Nawabzada Liaquat Ali Khan, Deputy President, in the chair.

Owing to the indisposition of H. E. Sir Malcolm Hailey, who was unable to attend the Council, his speech was read by Kunwar Jagdish Pershad, Chief Secretary to the Government.

His Excellency dealt with the effect of the world depression on the economic and political situation in the United Provinces. There was, in the first place, a huge drop in the revenue, and secondly economic disturbance was threatening to produce an upheaval in the old established relations between landlords and tenants. There was no hope of rapid return to the prices of recent years. For some time to come the present range of prices was likely to prevail, and consequently the provincial finances would continue to be greatly disturbed. The budget for 1931-1932 provided for an expenditure of 1,330 lakhs and a revenue surplus of 23 lakhs at the end of the year, but all the budget calculations had been completely upset. What with the unrealised arrears of Kharif revenue, what with remissions of over 70 lakhs in the Rabi revenue demand, and the certain loss under other heads of revenue, there must be at the end of the current year, a large deficit bordering on two crores. It was no passing calamity like the failure of the monsoon. Low prices were going to continue and the Government had no option but to readjust its revenue demand on that basis. The Government must go back to the expenditure budgets of the early twenties. Drastic retrenchments must be made but the scope for economies was in no sense unlimited.

The total revenue expenditure of 1,330 lakhs fell roughly into three groups. In the first group, came 240 lakhs represented by the debt charges and pensions. In the second group, was a sum of 600 lakhs spent on salaries, leave, pay and allowances. In the third or general group, was the expenditure on education and medical, public health, roads and buildings, canals, forests, maintenance of prisoners, clothing and arms of police and travelling allowances and pay of the Governor, Executive Councillors, Members, Ministers, High Court Judges and officers of the All-India Services, amounting to 66 lakhs. The pay of the provincial service men was 90 lakhs, the pay of the non-gazetted subordinates was 373 lakhs of which 250 lakhs was paid to men drawing less than Rs 100 per month, while the pay of menials amounted to Rs. 47 lakhs. The Government felt that if there was to be a reduction in salaries, it must be shared by all classes of officers alike, but since the Government could not even temporarily reduce the pay and allowances of the All-India services, it was awaiting decision in higher quarters on the salaries question. The Government had explored every possible avenue of economy, but if the Council wanted a retrenchment Committee, the Government would not hesitate to appoint one. Apart from retrenchment, fresh taxation was absolutely necessary not for new expenditure, but for reducing large and inevitable deficit.

Proceeding, the Governor dealt with the agrarian situation. He pointed out that the Government in these provinces did not deal directly with tenants. The Government took the portion of rents realised by landlords as land revenue from the latter. In U. P., there was a recorded cash rental of 1800 lakhs to which must be added 57 lakhs for grain rent and 278 lakhs for valuation of "Sir", making in all 2135 lakhs on which the Government revenue amounted to 694 lakhs. Should the Government attempt to carry back the rents as a whole to a time when prices were the same as to-day, or was it to be assumed that the tenant could bear part of the difference? The other alternative was to get the landlord to agree themselves on some adjustment with their tenants based on the existing rents, but allowing for reductions to meet the present prices. The latter course had its obvious advantages, particularly as it would preserve the proper and traditional relations of landlord and tenant. But unless the Government had some statutory power of intervention, useful results from this progress throughout the province could not be relied upon.

Since 1900, when the level of prices was roughly equal to that now prevailing cash and grain rents had been increased by 669 lakhs, but the Government revenue had been enhanced only by 75 lakhs.

His Excellency continued : "We do not in this Province deal direct with the cultivator, i. e., we take from the landlords a proportion (formerly fixed by custom, but now limited by statute) of the assets obtained by him from the land. These, of course, being preponderantly in the form of cash rentals, it has not therefore been primarily a function of the Government to fix the rentals. The Legislature has laid down certain statutory conditions as to the intervals at which and the proportion to which the landlord can raise the rentals, but the actual figure of rentals as between landlords and tenants has been a matter of bargaining in which the Government has taken no direct part. This natural process has resulted in great diversity in the pitch of rents in some areas. Circumstances, such as, extension of irrigation, congestion of population and the like have enabled landlords to raise rents far higher than in others, but even in areas which seem to come under identical conditions, there are great varieties in the pitch of rent due to what one can best describe as the human factor."

"The point I am making," continued His Excellency, "is twofold. Firstly it is a mistake to argue as if the State had at any time laid down the scale of fair or economic rent based on the cash value of the produce of different classes of soil and the proportion thereof which is necessary for the subsistence of the tenant, and secondly, it is a mistake to assume that any summary reduction of rentals by a round figure applicable throughout the province could do full justice to the infinite variety of rentals produced by a continuous process of bargaining. There are old protracted rentals which have stood unchanged since a time when the prices were as low as they are to-day. To reduce them might be unnecessary and an injury to the landlord. On the other hand, a scale of relief which might be sufficient for the moderately rented tenant might not be adequate for a neighbour whose rents had been raised in recent years in proportion to the modern high prices. For all the difficulty in the rapid readjustment of rents by the ordinary process lies largely in the fact that we have given so valuable a right to tenants in the nature of occupancy and life-tenures that there is now a very small proportion of the land which is not protected either by an hereditary or life-tenure. If these were merely yearly tenancies, then tenants could themselves secure a rapid adjustment of rents by throwing up their lands and bargaining for lower rents, but the case is entirely different when the abandonment of a tenancy involves a loss of the valuable right which have now been secured by law."

Continuing, Sir Malcolm Hailey said there were masses of tenants who could not at the present prices pay rents which they could pay two years ago. The accepted foundation for existing rentals had more or less collapsed. The Government had statutory powers in compelling landlords in Agra to reduce the existing rentals in proportion as the Government remitted revenue but that was a different thing from the power to lay down what constitutes a suitable rental in any given circumstances. If the Government were to attempt a really satisfactory solution, they ought to approach the question of rentals, independently of the effect on revenue.

Discussing several alternatives, which might involve modification of the law the Governor said, one proposal was to have what was practically a rent tribunal or rather a large number of rent tribunals. If they did that now, they might be compelled to continue the system even if the prices returned to a more normal figure. There were other difficulties, such as the difficulty of deciding with justice to the landlord and with satisfaction to the tenants, what was really fair rental in a great variety of physical circumstances and for different classes of people, for there were certain classes, who had habitually paid lower rentals. There was also the difficulty arising from the existence of protected classes such as occupancy-tenants. Then, again, there was the possibility of the Government attempting to get landlords to agree themselves on some adjustments with their tenants based on the existing rents. But allowing for reductions to meet the present prices, this would preserve the proper and traditional relations of landlords and tenants. H. E. the Governor acknowledged the very generous reduction recently announced on some large estates which showed a spirit which they all appreciated. They had a situation of grave gravity in which landlords, tenants and the general taxpayers were equally involved and they would not get a solution unless the claims of all interests were equally considered and justice done to each. Sir Malcolm Hailey hoped that when the

Council met to-day the Government should have been able to indicate their own conclusions as to the best methods for meeting claims of these interests, but there were questions not only of policy, but of technical complexity involved and the Government were not yet ready to make an announcement on the subject. Moreover, it would be inadvisable for the Government to formulate views until they had asked the representatives of this Council to meet the Government and to consider the problem in all its bearings. As soon as their own material was complete, the Government would seek an early opportunity of doing this, and if their proposals involved legislation, the Government would convene a special session for this purpose.

#### OFFICIALS AND THE TRUCE

One aspect of the rural problem here, the Governor continued, was now a matter of all India interest. Charges had been made against the United Provinces Government, that it was imperilling the Delhi Agreement. It had been alleged that the Government had not only joined the landlords in the oppression of tenants, but had in violation of the Delhi Pact, began a campaign of repression against political workers who had taken up the cause of tenants. The observance of the Delhi Agreement was a matter of honour with the Government and if there was to be a deliberate breach of its term it would not come from the Government side. No agreement could stand if those concerned in it were continually looking for causes of offence. In recent years much had been done to secure the stability of rents of tenants, and thereby protect them from unreasonable enhancements of rent. In the Agra Province, 56 per cent of the tenants had hereditary rights. In Oudh, there were practically no hereditary rights, but over 90 per cent were statutory life-tenants. There might be a number of individual cases in which even in normal times rents were paid with difficulty. On his part, as Government, he held the view that if in ordinary times tenants had any complaint, it was rather that illegal exactions such as Nazrana were taken, that unrecorded enhancements were made and that a high hand was sometimes used by the agents of the landlord in collection. No one could deny such practices were in force, though by no means universally, and certainly not anywhere to the extent which the lurid spate of anti-landlord campaign in the Press would suggest. There were many estates where they were unknown.

Sir Malcolm Hailey said: "Let me come to the events of the last few months. We had during the civil disobedience movement a great deal of preaching of a 'no rent' campaign based on purely political grounds, and though it showed for the time no definite result in refusals to pay rent, it certainly had an unsettling effect on the minds of the tenants in the areas where it was most vigorously attempted. After the Delhi Agreement, that campaign ceased, but the new situation caused by the sudden fall in prices was busily exploited by numerous workers. Bands of volunteers invaded villages. They did not, it is true, say that no rents should be paid. The general tenor of their teaching was, in the first instance, that the tenants should not pay more than they could afford, and afterwards that they should only pay at a rate which political leaders took on themselves, the responsibility of fixing was adequate."

A campaign of this sort was in any case full of danger. Nor was it likely that the volunteers, eager to establish their influence, would stop at that stage of advice. There were some leaders whose personal action went beyond indiscretion. Tenants, already intensely troubled by economic distress were told that landlords were parasites, that their only hope for the future was in a peasants' and workers' Republic, which would abolish landlords, and that landlords, who resisted the Congress now, would be "swept beyond the seven seas".

#### ANTI-LANDLORD CAMPAIGN

The anti-landlord campaign, the Governor continued, had its consequences. In some districts there was complete refusal to pay any rent at all, and there had been murderous attacks on landlords and outrages on officials carrying out legal processes. In the affected districts, the Government had to take some action. In selected villages, rents had been collected by revenue agency, under the provisions of Section 12-A of the Oudh Rent Act. Elsewhere, in isolated cases, police assistance had to be given to court officials. The police action was explicitly confined to safeguarding the carrying out of court processes. It was incorrect to say that

Government lent to landlords the assistance of police in collecting rents. The Government had regrettably enough, received reports of isolated instances in which landlords' agents had attempted to use force in the collections of rents. Every district officer knew that the Government were keenly interested in preventing such incidents, and that the Government had no intention to condone them. At the same time, action was taken against certain persons, who were guilty of trying to prevent collection of rents or to terrorize landlords. The Government took action against them not because they belonged to a political party, but because their conduct was likely to lead to disorder or breach of the peace. A large number of processes were issued, but they were largely by way of warning. In the Barabanki, six persons were now in prison under the preventive sections. In Rae Bareilly eight persons had been ordered to furnish security, of whom five were in jail being in default.

H. E. the Governor said that the Government were not devoid of sympathy for cultivators in the trouble which had come upon them, but they realised that landlords themselves were not without grave difficulties in this situation. He said: "We cannot afford to take sides. We equally cannot afford to stand apart, when we see the chance of a conflagration in our rural areas. Here is a purely economic trouble which, if not carefully handled, may lead to a social upheaval. Let us in Heaven's name keep politics out of it, and by united counsel and with calm and sober judgment attempt to find an equitable and a peaceful solution."

#### TRIBUTE TO MAHARAJA MAHMUDABAD

After the Governor's address *Mr. J. C. Smith*, Finance Member and Leader of the House referred to the loss sustained by the province in the death of the Maharajah of Mahmudabad, characterising the late Maharajah as a great gentleman. The Finance Member said his conspicuous service for the country and conscientious regard for duty would never be forgotten by the people of these provinces.

Associating himself with the Finance Member's remarks *Mr. C. Y. Chintamani* observed that the Maharajah's death was a loss not only to the U. P. but to the whole of India. He was a unique personality, both because of his public-spirited qualities and private virtues of amiability, hospitality and generosity. *Mr. Chintamani* suggested adjournment of the Council as a mark of respect to the Maharajah's memory.

*The Nawab of Chhattari*, paying a tribute to the Maharajah, seconded *Mr. Chintamani's* suggestion for adjournment. After some more eulogies the proposal was carried.

#### RETRENCHMENT PROPOSALS

The Finance Department then circulated a statement of the budget amounts scheduled for immediate reduction. These aggregated roughly to 55 lakhs.

*Mr. Chintamani* gave notice of a resolution recommending to the Government to appoint a Retrenchment Committee of seven of whom five should be elected by the Council, to examine and report on the Finance Department's statement, and to make proposals for further retrenchment, the Committee to report by the 15th September next.

#### REVISED LAND REVENUE ASSESSMENTS

21st. JULY:--Several settlement reports were discussed in the Council to-day.

Non-official members, particularly the landlord members, expressed themselves strongly against the enforcement of the revised land revenue assessments in several districts of Oudh which had recently been settled. Their plea was that not only was there no hope of realising the enhanced rents but even the existing rents could not be collected in full.

The Finance Member said that the acceptance of the new assessments need not necessarily mean the immediate enhancement of land revenue. The assessment reports resulting from the recent settlements were based on more accurate data than those previously available, and would be useful in fixing remissions in the forthcoming Kharif.

By a large majority the landlords carried two resolutions recommending the non-enforcement of fresh land revenue assessment in four Thasils of the three district of Oudh.

A resolution regarding house-rents to be realised from Ministers for the occupation of buildings belonging to or hired by the Government, was carried.

The Council was discussing certain rules under the *Naik Girls' Protection Act* of 1920 when it adjourned.

#### APPOINTMENT OF RETRENCHMENT COMMITTEE

**22nd, JULY:**—The only important business transacted to-day in the Council, was the discussion of Mr. C. Y. Chintamani's resolution, recommending the appointment of a Retrenchment Committee.

Mr. *Chintamani* moved the immediate appointment of such a committee to examine the report on retrenchment schemes, already formulated by the Government and to make proposals for further retrenchment. The resolution, as moved, stated that the committee should consist of seven members, five elected non-officials and two nominated by the Government, the committee to elect its own Chairman, with an officer of the Finance Department to act as the secretary and further that the Committee should submit its report by the 15th September, next.

Several amendments were moved to a clause of the resolution, relating to the composition of the committee. Most of the amendments were adopted and the resolution, as amended and passed, provided for a committee of ten members, excluding the Chairman, eight being non-officials, nominated by the Government in consultation with the leaders of the four parties in the Council and two being also nominated by Government at their choice, and the Finance Member to be the ex-officio Chairman, with an officer of the Finance Department as the Secretary.

Moving the resolution Mr. Chintamani spoke over an hour and said that the present financial debacle was a warning of Providence to "those all wise men of bureaucracy who constituted themselves guardians, without time limit, of the people of India, that they should not continue to spend and mis-spend the revenues extracted from the very poor people, with levity, irresponsibility and in utter disregard of public criticism." He added that starting with an opening balance of over eighty lakhs of rupees in 1921-22, the United Provinces had at the end of the last year accumulated a deficit of over one crore of rupees.

Proceeding, Mr. Chintamani said that while other Governments, promptly constituted retrenchment committees and took their respective legislatures into confidence, this Government merely asked its Finance Department to find out where economy was possible. It was only on Monday last that the Finance Secretary presented the Council with a statement of amounts, scheduled for immediate reduction.

The speaker then examined the schedule in detail and criticised for having consented to yield twenty-five lakhs of rupees from their budgets, against fifteen lakhs given by the reserved departments, barring irrigation.

Concluding, the mover said that he had defined the composition of the Committee because he did not want an official body, but one which would truly reflect the opinion of the Council.

Mr. *Ismail* moved an amendment, increasing the number to ten and suggesting that eight members should be nominated by the Government, after consultation with the party leaders, and two more at their free choice.

*Kumar Jagdish Prasad* moved an amendment to the effect that the Finance Member should be the ex-Officio Chairman of the Committee.

*Babu Jagdeo Roy* moved that all the eight members, to be nominated, should be non-officials. All the three amendments were one after another adopted and the resolution, as amended, was passed.

Mr. *J. C. Smith*, replying to Mr. Chintamani, said that the latter as Minister was responsible for the establishment of the Cawnpore Technological Institute, which had cost the province thirty-five lakhs of rupees to no useful purpose, as also for the grant of ten lakhs of rupees in industrial loans, which proved irrecoverable. If the province had accumulated a deficit of one crore of rupees, Mr. Chintamani himself was responsible for half of it.

Mr. *Chintamani* retorted that he was undoubtedly the Minister-in-Charge then, but he was in no way responsible for the establishment of Technological Institute or for grant of loans.

The Council then adjourned the next day.

## DEPRESSED CLASSES' EDUCATION FACILITIES

**24th. JULY:**—Several non-official resolutions were discussed to-day. One coming from the Depressed Classes' benches urged the provision of special educational facilities for boys of the depressed classes.

*Mr. A. H. Mackenzie*, Director of Public Instruction, doubted the utility of special schools, suggesting that Depressed Class boys should take full advantage of the existing general schools where their admission was not barred. He pointed out that there were only 25,000 Depressed Class boys in the special schools maintained for them, against 88,000 of such boys who attended general schools. The best remedy lay in the introduction of compulsory primary education.

In view of the Government's sympathetic reply, the resolution was withdrawn, and the Council adjourned for the day.

## SUSPENSION OF FOREIGN SCHOLARSHIPS

Yesterday's resolution against the proposed suspension of certain scholarships, particularly foreign, was carried by 35 votes against 34.

## DEPRESSED CLASS AND SERVICES

**25th. JULY:**—Some non-official resolutions were also discussed in the Council to-day. One of them recommended the appointment of a committee to enquire into the affairs of the Barua Municipality which, according to several members, "was notorious for its bad roads, bad drainage and unsatisfactory water supply etc."

*Nawab Yusuf*, Minister for Local Self-Government, accepted the resolution.

Another resolution was passed recommending to the Government to pay greater regard to the claims of the members of the depressed classes in the matter of appointments to the public services.

*Kanwar Jagadish Pershad*, Chief Secretary, said that there was no bar to the depressed classes people being appointed to the highest offices in the State. He added that big constitutional changes were impending, and soon the centre of power would more be in the hands of the elected representatives in the Council than in the hands of Government servants. Even with the present restricted franchise, the strength of the depressed class representation in the United Provinces Legislative Council was 10 per cent. This was a record in India, and with the widening of the franchise, their number would increase greatly, and the time was coming when those who considered themselves immensely superior to the depressed classes would not only seek the latter's sympathy, but support.

*The Nawab of Chhattari*, Home Member, said that the awakening of the Depressed Classes was the dawn of a new era. Soon there would be no "Depressed Classes".

The resolution was carried.

## NEW TAXATION MEASURES INTRODUCED

The Finance Member then introduced two taxation measures namely the *Court Fees Amendment Bill* and the *Stamps Amendment Bill*.

When the Finance Member moved their reference to Select Committees, *Mr. C. Y. Chintamani* and other party leaders urged that the select committees should not meet until the Provincial Retrenchment Committee and the Agrarian Committee had made their reports and the Government decisions thereon had been announced; and secondly that every member of the House, including the members of the Select Committee, should have complete liberty of action either to amend, modify or oppose the bills after they had emerged from the committee stage.

The Finance Member observed that he had absolutely no objection to the committee reports on the two bills being submitted after the publication of the reports of the Retrenchment and Agrarian Committees. He agreed to the second point raised by the Opposition to the effect that the House should have complete liberty of action in regard to the bills after the Committee stage.

On this understanding, the Council agreed to the two bills being referred to select committees. The Council then adjourned *sine die*.



## DECEMBER SESSION

## NON-OFFICIAL RESOLUTIONS

The December session of the Council commenced at Lucknow on the 14th. December 1931. Four non-official resolutions were discussed, and of them three were adopted.

The first resolution, which was carried without a division, urged that canal rates for the year 1330 Fasli (1931-32) should be reduced by at least one-fourth.

The next resolution moved by Mr. C. Y. Chintamani recommended that not less than one-half of the Secretaries and Deputy Secretaries to the Government should be selected from among Indian I. C. S. officers and the Provincial Civil Service officers holding listed posts.

Mr. E. A. H. Blunt, Finance Member, assured the mover that there was no reluctance on the part of the Government to post Indian officers to the Secretariat, but as Deputy Secretaries were generally selected from civil servants of over twelve years' standing and the Secretaries from among the ranks of Magistrates and Collectors, there were not many Indian officers whom the Government could conveniently bring to the Secretariat.

Mr. Chintamani's resolution was carried without a division.

By 31 votes to 10 the Council rejected a resolution recommending the amendment of the election rules to ensure that no voter should be elected a member either of the Legislative Council or any municipality or district board unless he can read and write either Hindi, Urdu or English.

## U. P. ORDINANCE

**15th. DECEMBER :—**Mr. Chintamani, leader of the Opposition made to-day a motion for adjournment of the Council to discuss the newly promulgated U. P. Emergency powers Ordinance and withdrew it after definite assurances were given on behalf of the Government in unequivocal and unambiguous terms by the Finance Member and the Home Member that the Ordinance would only be used to counter-act the campaign started by the Congress and that the wide powers vested in the Government and its officers would not at all be abused. It was added that definite instructions to this effect had already been issued to all district magistrates in the province.

Moving that the House do now adjourn, Mr. Chintamani said the object of his motion, as stated in the notice which he had handed to the President earlier in the day, was to discuss the Ordinance called the U. P. Emergency Powers Ordinance, promulgated and published. Motions of adjournment could be made either for expression of opinion upon definite matters of urgent public importance or as votes of censure upon Government. The Ordinance had been promulgated by the Governor-General and it was unlikely this step would have been taken by the Governor-General without previous consultation between the local Government and the Government of India. At the same time it was impossible for any one to know what part was exactly taken, by which authority and to what extent either was responsible for the decision to promulgate the Ordinance or for its contents. This being so obvious, the reason for making a vote of censure did not arise. If that was ruled out, it necessarily followed that the idea of a vote of censure must be ruled out altogether. Having made it clear that the object of the motion of adjournment was to discuss the Ordinance, Mr. Chintamani proceeded to say that the first question that suggested itself to any one was why had this Ordinance been promulgated. The obvious answer was that because there was a no-rent campaign started by the Congress, therefore the Government deemed it necessary to arm themselves with special powers not conferred upon them by the ordinary law in order to deal with the situation created by that campaign. The object, as stated in the preamble, was whereas an emergency has arisen which makes it necessary to provide against instigation to illegal refusal of payment of certain liabilities and to confer special powers on the Government of the U. P. and its officers for the purpose of maintaining law and order, etc.' Mr. Chintamani asked if the special powers would be confined to the no-rent campaign or it was intended under cover of this Ordinance to use them in all matters as if the ordinary law were suspended. In other words, would district officers be authorised by the local Government to act in an extra-ordinary manner under cover of the extraordinary provisions of this Ordinance? If it was held that the powers conferred by the Ordinance were not so limited, then he had no hesita-

tion in saying that it was tantamount to introduction in the United Provinces of martial law minus that name.

Mr. Chintamani next referred to the Bengal Ordinance and pointed out that in Bengal anarchical crime had been prevalent for the last 23 years and Government were obliged to take successive steps both legislative and administrative to deal with that great evil. The last of those steps was the latest Ordinance. Fortunately for the U. P. there was no conditions which could be described as anarchical. This being so was it the Government's intention by an extensive application of the extraordinary provisions of this Ordinance to create extraordinary conditions here and were they prepared for the widespread dissatisfaction that would be an inevitable consequence of such unconsidered action under the provisions of this Ordinance? He trusted the Finance Member would be able to give a satisfactory assurance to the House and through it to the public at large that it was not a part of Government's intentions to act promiscuously and indiscriminately. "I speak as a person who himself is, without qualification or reservation, opposed to the no-rent campaign. (Loud applause both from Government and non-official benches.) During the whole of the public life, I have been, I hope, a strict adherent of constitutional, as distinguished from direct action. My landlord friends in this Council can take this assurance from me that they are now listening to a speaker who is 100 per cent. opposed to the no-rent campaign.

If the provisions of the Ordinance were literally constructed and if the powers conferred upon the local Government and by delegation upon the district magistrates were utilized extensively, Mr. Chintamani had no hesitation in saying that it would not be worth while of any public man to live in the province and lose his liberty. He did hope and trust that the Government which, he liked to publicly acknowledge, had on the whole shown a great deal of restraint and moderation during the last several months, would sustain that reputation. No one could fail to have been impressed by the series of measures which the Government took during the last four or five months in order to ease the agrarian situation. It could not be contended that the Government had been unresponsive to the needs of the situation and that they had been obstinate in adherence to any formula which they might have prescribed for their own guidance when all the facts were not before them. Mr. Chintamani added that he did not mean to say that everything that they had done was quite right or that there was nothing else that they had to do. His point was that on the whole it could not be held that the Government of the United Provinces had not shown a great deal of the sense of responsive co-operation in dealing with the agrarian situation, nor could credit be withheld from them for having shown the necessary sense of moderation and restraint in the measures which they had adopted. He hoped that the Finance Member would be able to tell the House that whatever might be the ambiguity of its language, the Ordinance was specifically and exclusively intended to deal with the situation caused by the no-rent campaign and that the Government had no intention of taking any steps beyond what the no-rent campaign might strictly require them to do. He did hope that an assurance would be given that administrative instructions would be issued to the district magistrates as to the limits within which they were expected, required and permitted to act and that the district magistrates should not consider themselves to be at liberty to roam at large and make promiscuous use of the despotic powers which this Ordinance conferred upon them and create a political crisis of the first magnitude. If this assurance was given by the Finance Member on behalf of the Government of the United Provinces, he would facilitate his (Mr. Chintamani's) task in avoiding the extreme step of pressing the motion to a division.

#### NON-OFFICIAL RESOLUTIONS

**16th. DECEMBER:**—A number of non-official resolutions were discussed in the Council to-day, not less than three of them relating to the grievances of the depressed classes. The members of that community, both elected and nominated, actively participated in the debates on those resolutions which were whole-heartedly supported by all sections of the House and carried by the House.

Rai Rajeshwar Prasad moved:

#### REMISSION OF LAND REVENUE

That this Council recommends to the Governor in Council that the remission in land revenue should be proportionate to the remission in rents both in Agra and

Oudh for the year 1339 Fasli and that immediate action should be taken to give effect to this principle.

The resolution was carried without a division.

#### RENT COLLECTION CHARGES

Raja Jagannath Baksh Singh moved :

'That this Council recommends to Government to issue instructions to the district officers concerned to deliver the whole amount of the arrears of rent, rates or cess due to a landlord for whom they are recovered under section 12-A of the Oudh Rent Act without making any deductions or charges on account of the cost of recovery'.

Rai Bahadur Thakur Hanuman Singh moved as an amendment to add the following clause to the resolution :

'The Council further recommends to the Government to refund all the costs referred to in part one which might have been recovered from the landlords'.

The resolution was put and carried.

#### DEPRESSED CLASS REPRESENTATION

Mr. Shyam Lal, on behalf of Mr. Bhondwa (depressed classes member) moved :

'That this Council recommends to Government to nominate only such persons as belong to the depressed community for representation of the depressed classes in the local Boards'.

The resolution was put and carried.

#### RIGHT OF ACCESS TO WELLS, ETC.

Mr. E. Ahmad Shah (Indian Christian nominated) next moved :

'That this Council recommends to Government to take steps that the rights, such as drawing of water from public wells, springs and tanks and admission to public schools wherever denied to a person or persons be enforced'.

The resolution was put and carried.

#### EDUCATIONAL INSTITUTIONS AND DEPRESSED CLASSES

Pandit Joti Prasad Upadhyaya, on behalf of Chaudhri Ram Dayal (depressed class member for Lucknow city) next moved :

'That this Council recommends to Government to take deterrent measures against the educational institutions which may be found to discourage the education of the depressed classes'.

Thakur Hanuman Singh moved an amendment to add following as part two :

'This Council also recommends to Government to withhold aid in case of aided institutions if they be found discouraging such education'.

The resolution as amended was carried and the Council adjourned.

#### AGRA TENANCY ACT, AMEND. BILL

17th. DECEMBER :—Official business was taken up by the Council to-day. After Lieut. Col. C. L. Dunn, director of public health, was sworn in two resolutions on the final settlement reports of Garhwal and Hardoi were carried, the first of them being pressed to the division. The next item related to the levy of a registration fee of Rs. 25 on motor cars and Rs. 10 on motor cycles but the Finance Member did not move the resolution as the report of the Retrenchment Committee yet remained to be discussed.

The House passed into law the *Bill to amend sec. 132-A of the Agra Tenancy Act* empowering the Government to collect arrears of rent like arrears of revenue on behalf of the zamindars. This brought the tenancy law in Agra Province into line with the tenancy law in Oudh. On behalf of the Government Mr. Blunt, Finance Member, gave an assurance that the new provision would be sparingly used by the Government only when there was a general refusal of payment of rents in any locality or area. The Council next assented to the appointment of a committee by the Government to enquire into the agricultural indebtedness both of zamindars and tenants. The Public Accounts Committee report for the year 1928-29 was under discussion when the Council adjourned.

## OFFICIAL BILLS

**18th. DECEMBER** :—Several Official Bills were discussed in the Council to-day.

Nawab Yusuf, Minister, introduced a *Bill to amend the Municipalities Act 1916*. After some brief criticism, the Bill was referred to the Select Committee. The Bill defined the exact term of office of members and chairmen of municipalities and also laid down the procedure for the election of new chairmen.

The Bill further laid down that in 1936 and thereafter, municipal general elections shall be held every fifth year, and not every third year as at present.

The Minister also introduced a *Bill postponing municipal elections at Cawnpore* by ten months on account of the prevailing disturbed conditions in the City. This Bill was passed without any reference to a Select Committee.

## GOONDAS BILL

The Home Member introduced the *U. P. Goondas Bill 1931*. On his motion it was referred to a Select Committee. The Bill was on the lines of the Bengal Goondas Act 1923, and empowered the Government to direct any person or persons to leave Cawnpore or even U. P. for a specified period.

## DISTRICT BOARD'S ACT AMEND. BILL

**19th. DECEMBER** :—The only business transacted in the Council to-day was the consideration of the bill to amend the U. P. District Boards Act of 1922, which was referred to a select committee.

The bill defined the powers and functions of district education committees and their chairmen in contradistinction with the powers and functions of the district boards themselves. District education committees were established by an amending bill of the District Boards Act in 1928, and the committees were required to exercise, discharge and perform all the powers, duties and functions of the boards in regard to educational matters, with certain exceptions. Afterwards causes of friction between the district boards and education committees were found to exist and the relations between them were not clear, and the control of the boards and Government over education committees, the method of appointment of education committees, their chairmen, vice-chairman and other matters connected with the working of Education committees were not satisfactorily provided for. The Government, therefore, appointed a committee to enquire into the administration of vernacular education by district boards, and following on the recommendations of that committee this bill was introduced with the object of improving the administration of vernacular education in rural areas.

## ARREARS OF RENT BILL

**21st. DECEMBER** :—The Council passed into law to-day a short Bill entitled the *Arrears of Rent Bill, 1931*, the object of which was to protect from ejection and distraint a tenant or thekadar who had paid two-thirds of the arrears of rent due by him to his landlord.

Several members wanted the Bill to pass through a select committee on the ground that it was of no material assistance to the tenants who could hardly pay their current reduced rents, let alone any portion of the arrears.

Mr. Blunt, Finance Member, asked the Council to accept it as a temporary measure, promising that an *ad hoc* committee would at once be appointed to hammer out a new Bill with the same object in view. He pointed out that the Government must have some power to stop the distraint of crops almost at once, because distraint-proceedings were likely to cause considerable friction between the landlords and the tenants.

Mr. Blunt referred to the murder of a Zemindar and his servants near Amroha and said that the Government's information was that the quarrel arose in connection with distraint proceedings. Government's information was also that it had nothing whatever to do with "No-Rent" campaign.

The Bill was accordingly passed by the Council as a temporary measure.

## RETRENCHMENT COMMITTEE REPORT

The report of the Retrenchment Committees engaged the Council's attention for the rest of the day. No less than 14 resolutions were tabled for discussion,

most of them overlapping one another. Three of them were, however, carried by the Council, one recommending that in cases where scales of salaries were increased and administratively sanctioned but could not be paid as funds were not available, the proposed cut should not apply and another asking the Government not to accept the recommendation made by a majority of the members urging the abolition of the post of assistant electric inspector to the Government. The Council further carried resolutions recommending that in case of employees whose salary was less than Rs. 50 per month, there should be no cut. The latter part of this resolution proposing a graded cut rising up to 30 per cent. for salaries exceeding Rs. 8,000 was rejected without a division.

#### AGRA MEDICAL STUDENTS' RUSTICATION

A motion for adjournment of the house was then made by Rao Krishnapal Singh in connection with the rustication of certain students by Capt. Bhargava, I. M. S., Principal of the Agra Medical School, and it was withdrawn without being pressed to a division when the Minister-in-charge, Nawab Muhammad Yusuf made a statement that he was prepared to ask the Principal to see them once again and as a result of that interview to make any further recommendation in their cases that he considered proper.

#### RETRENCHMENT COMMITTEE REPORT

There was a general discussion in the Council to-day on the report of the Retrenchment Committee in which a good many speakers participated. The last two speeches from the non-official benches were made by Rai Rajeshwar Bali and Mr. Chintamani. Both of them strongly protested against the action taken by the Government in respect of the cut in salaries before the Council had expressed its considered views on the various recommendations made by the committee.

The action of the Government, Mr. Blunt said in the course of his reply, was not at all meant to be an insult to the Council but it was dictated by reasons of emergency and expedition. The cuts were to be effected from January 1932 and therefore the rules regulating reductions to be effected in the salaries of Government servants had to be published for information in time to enable various offices to act upon them. Mr. Blunt repeated his statement of yesterday that every line of the Retrenchment Committee's report would be carefully considered by the Government.

The Council sat till a late hour to bring the discussion to a close. After the Finance Member had replied to the criticisms of various members the Council adjourned *sine die*.

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# THE BURMA LEGISLATIVE COUNCIL

## GOVERNOR'S OPENING SPEECH

The Autumn Session of the Burma Legislative Council opened at Rangoon on the 31st. August 1931. His Excellency the Governor, opening the session, gave a resume of the rebellion, the steps taken to suppress it and the policy of tempering justice with mercy pursued in this connection. His Excellency also reviewed the present economic situation, dwelt at length on the agrarian problems and referred to the finances of the province and the Round Table Conference.

His Excellency reiterated the Government's view, recently supported by the Tribunal, that the rebellion was carefully planned, the object being to promote the same in various parts of Burma, to overthrow the Government and to involve people in blood-shed and mutual destruction. The rebellion, he observed, could not be excused on the ground that it was against the capitation tax. Though economic depression contributed to its spread, the same was not its cause as the rebellion was planned long before the paddy slump. The measures adopted resulted in steady improvement in the situation, and the Governor expressed the hope that Sany San's capture was having a good moral effect throughout the country. Thayetmyo and Pegu were still causing most of the anxiety, but the hope was expressed that these two districts would soon get under control. Upper Burma remained unaffected.

"Though the situation," said His Excellency, "is definitely better, it would be a mistake to think that we are yet out of the wood". Gangs and leaders of gangs were still unaccounted for and must be regarded as a potential danger. The present quiescence was due to the activities of military troops and also perhaps rain.

Clarifying the Government's view, His Excellency stated that it was their first and most important duty to suppress the rebellion by all the means in their power. At the same time they were willing and anxious to temper justice with mercy. He declared that the Government were willing to deal gently with people induced or coerced to join the rebellion and pointed out that more than four thousand people had taken advantage of the amnesty. He explained the Government's inability to accept the suggestion of complete amnesty for all crimes committed in the course of the rebellion. While conceding that such a step might secure a temporary respite from the rebellion, His Excellency observed that it would not conduce to security for the future, which was their main concern. He enunciated the principal necessity of restoring the authority of the Government and the re-establishment of law and order. The amnesty were generous, considering the events of the last nine months. He asked all loyal Burmans to use their influence in making the amnesty a success. That was the line, taken by Sany Daw, who set a fine example.

With regard to the Emergency Powers Ordinance, His Excellency did not believe that any loyal person regarded it with serious apprehension. He paid a tribute to the Civil and Military Officers and Civil and Military Police operating in the rebel districts.

Turning to the question of the economic difficulties, His Excellency referred to the collapse of rice and paddy prices and the drought in Upper Burma, and described the steps taken to alleviate distress, such as, agricultural loans, opening of tests works, reduction in interest, suspension of collection of the principal of the outstanding loans and remission of land revenue. His Excellency the Governor was optimistic regarding paddy cultivation in the Delta districts and Lower Burma, where, according to his information, the crop would not be below the usual figure though he was previously told cultivation would be 40 per cent short of the normal.

His Excellency pointed out that there was allotment of 36 lakhs for agricultural loans, of which 45 had been issued. The measures taken were only designed to meet the immediate situation but he opined the real agrarian problems of Lower Burma lay very deep. He referred to three problems (1) the transfer of land from agriculturists to non-agriculturalists; (2) relationship between landlord and tenant and (3) agricultural indebtedness. He explained the difficulty of legislation for Burma on the lines of the Punjab Alienation Act. Regarding the second, his provisional

view was that they ought to consider the introduction of a Tenancy Bill. They had a small committee now investigating the subject. As regards agricultural indebtedness, the common suggestion of declaring a moratorium for Burma alone did not seem practicable. It could not be given effect to without Central legislation. He expressed anxiety as to the revenue prospects in the current year. Last year, the expenditure was curtailed by 86 lakhs. This year, the progress of retrenchment continued, making a total cut of about a crore of rupees. He expected the Council to agree with him that they ought not to consider the question of reducing the pay of the provincial Services until the closely connected question of reduction of the pay of the All-India Services was decided.

Referring to the Burma Round Table Conference, His Excellency announced that the Government had prepared a memorandum regarding constitutional advance in Burma, and good progress was made with the investigation of the financial aspect of separation. With regard to the prolongation of the term of the legislature expiring in November next, His Excellency had not finally made up his mind, but, as at present advised, his thoughts were tending towards a decision in favour of a six months extension.

#### OFFICIAL BILLS

**21st. AUGUST:**—After the Governor's speech the house took up official business. *The Burma Rebellion (trials) Bill* was moved by the Home Member for consideration. It was debated upon the whole day and ultimately rejected by a majority of two votes. The object of the Bill was to provide for the speedy trial of persons accused of offences connected with the rebellions in Burma and to replace trial by an Ordinance.

The Burman members belonging to several parties in the House opposed the Bill. They pointed out that there was no necessity for such a Bill now as the rebellion had almost ended. Besides the Bill violated the principle of the Criminal Laws and Evidence Act.

The Home Member pressing the motion, the House rejected the consideration of the motion by thirtynine against fortyone votes. The Council then adjourned.

#### BURMA EXCISE ACT AMEND BILL

**1st. SEPTEMBER:**—In the Council to-day, non-official business was discussed, after interpellations.

The Council refused leave to introduce the *Bill to amend the Burma Excise Act* by Saw Pah Dwai, (Karen Christian) and rejected another motion by U Ba Than fixing the salary of a Minister at Rs. 3,000 per mensem by a majority of fifteen votes.

The object of the Bill to amend the Excise Act was to permit non-Christian Karens to manufacture liquor and make other excisable articles during certain periods in the year when they were engaged in celebrating religious festivals and possess them at any time.

#### REDUCTION OF MINISTER'S SALARY

The Finance Member opposing the introduction of the motion reducing Ministers' salary quoted the Assembly Public Accounts Committee's decision and explained the difficulties in accepting such motions under the Government of India Act saying that the motion violated constitutional principles.

The President overruled the objection and allowed the motion.

The mover suggested reduction in the Ministers' salaries on the grounds of bankruptcy, running the Government on borrowed money, economic depression and starvation in certain parts of the province.

Several members took part in the debate for and against, but the Government Benches opposing the motion denied the existence of famine conditions anywhere, adding that the finances of the province were sound. They said that the depression was world-wide and pointed out the difficulty in accepting such a suggestion until the resolution of salaries was possible in the All-India services.

The motion was then pressed to a division and lost thirty voting for and forty-five against. Some Karen members and the Home Rule Party remained neutral.

The Council then adjourned.

#### COMMITTEE TO SURVEY ECONOMIC DISTRESS

**2nd. SEPTEMBER:**—In the Council to-day the Government suffered a defeat by a majority of four votes over a non-official resolution recommending the appointment

of a small committee with the Deputy Commissioner as Chairman and members of the Legislature and other non-official gentlemen as members to make a survey of the economic distress throughout the country, to find ways and means to get employment for the unemployed and make necessary recommendations to the Government for the improvement of the situation. The resolution was supported by several Burman members. Some suggested the committee to be advisory and permanent while others held that the Committee should have control and include local Sayadaws therein. A few referred to the distress in Upper Burma and the failure of crop as due to lack of rain, while one member remarked that the absence of a moratorium legislation was one of the main causes of the distress prevailing in the country.

The non-official supporters of the resolution urged co-operation and held that the appointment of such a committee would benefit the Government in successful administration of the country.

The Government members opposing the resolution explained the difficulty in accepting such a suggestion and remarked that the resolution was not the best way to help the Government in administration. The Government desired district officers to consult local opinion whenever necessary, but held that the resolution was unacceptable as it would be of no advantage.

The Finance Member winding up the debate, explained that such a survey was unnecessary as the Government were fully acquainted with the cause of the distress including world depression. He denied the distress to be so acute as had been described and instanced the cases of villagers who did not accept road making works at six to eight annas a day. He also detailed the opening of test works and the relief measures taken by the Government in the areas in distress though they did not actually come under the Famine Code. The speaker said that the intention of the resolution being non-official control of local administration, the Government were unable to accept the resolution as it would weaken the responsibility of the district officers. Referring to the question of a moratorium he quoted figures of mortgage suits in several districts and pointed out that the Chettyars were abiding by the promise they had made to help the people in the districts. Chettyars could not advance money as neither they had it, nor could they borrow. Further there was a run on them by the depositors.

The resolution was debated the whole day, was ultimately pressed to a division and carried, forty-one voting for and thirty seven against it. The Council then adjourned.

#### BURMA REBELLION TRIALS BILL

*3rd. SEPTEMBER:*—In the Council to-day, after interpellations, the President informed the House that His Excellency the Governor had referred back for reconsideration the *Burma Rebellion Trials Bill* which the House had rejected on Monday last and that the Bill would be re-introduced the next day.

Mr. Tharrawaddy U Pu moved an adjournment motion urging the extension of amnesty to all rebels including the leaders in order to stop the rebellion immediately and to create a calm atmosphere in the country. Though the prerogative of mercy lay with the Governor, he thought the Council should have an opportunity of expressing its opinion on the matter.

The Finance Member objected on the ground that a motion concerning the prerogative of mercy was not in order.

The President agreed with the views of the Leader of the House, and ruled that the prerogative of mercy lay with the Governor and so disallowed the motion.

#### NON-OFFICIAL RESOLUTIONS

A resolution by Mr. Campagnac recommending to the Government to take necessary steps to extend the option to retire on proportionate pension to all members of the Burma Provincial and Subordinate Services was negatived by a majority of seven votes.

A resolution by U Aye recommending the abolition of all book-makers at all race meetings in Burma was talked out.

Several members, non-official and Government, opposing the resolution remarked that such abolition would lead to serious results as experienced in Bombay.

Non-official business thus concluded and the Council adjourned till the next day.



## GRANT FOR AGRICULTURAL LOANS SANCTION

4th. SEPTEMBER :—In the Council to-day, the demand for an additional grant of Rs. 44 lakhs for the issue of agricultural loans, made by the Finance Member, was sanctioned after a debate in which the Opposition members complained of the inadequacy of funds.

A demand for over 5½ lakhs by the Home Member for increasing the Military Police Force and raising levies for the protection of the forests on account of the rebellion, was debated and pressed to a division and passed by a large majority.

Members opposing the demand criticised the Government's policy in suppressing the rebellion and dealing with the distress prevailing in the country.

Other items on the Agenda, which included the Rebellion Trials and other Bills being not disposed of, the Council adjourned till the next day.

## BURMA REBELLION TRIALS BILL

5th. SEPTEMBER :—In the Council to-day the Home Member reintroduced the *Burma Rebellion Trials Bill* which was thrown out on Monday last, but to-day it passed the introduction and consideration stages after a division.

Non-official members opposed the Bill at every stage criticising the clauses which according to them, denied the accused several rights and remarking that there was no need for the present bill as the Rebellion had almost ended.

The motion by the Home Member to introduce the bill was passed by a majority of four votes and the motion for consideration was passed by a majority of seven votes.

Several members suggested that the Bill be referred to a select committee; but the Home Member refused to accept the suggestion.

After the second reading, the opposition gave notice of amendments.

The Finance Member objected, but the President over-ruled the objection and allowed the amendments, one of which, to make the bill operative for one year and to delete the option of extension, was moved, but lost by a majority of ten votes.

As the business was not finished, the Council adjourned till the 7th.

7th. SEPTEMBER :—The *Burma Rebellion Trials Bill* in the amended form was passed to-day by a majority of fourteen votes.

The *Rangoon Labour Housing Bill* was introduced by the Home Member, who moved that it be referred to a Select Committee. But on an amendment by Mr. E. P. Pillai the Home Member agreed to circulate the Bill to elicit public opinion.

## BURMA COURTS AMENDMENT BILL

Other Bills passed included the *Burma Courts Amendment Bill* the object of which was to provide that no advocate of any other High Court other than the Rangoon High Court be entitled as of right to practise at Rangoon otherwise than as prescribed in the Legal Practitioners Act.

The Home Member, moving the Bill, explained that under the Bar Councils Act, advocates were not allowed to practise without a knowledge of Burmese, and the Bill would prevent the advocates from the other side of the Bay claiming right to practise until they were so qualified.

The Council also agreed to the Forest Minister's motion for diverting 16½ lakhs from the Central Road Fund account, on expenditure on new roads on condition that the amount be repaid when the provincial finances improved.

This finished the official business and the Council was *prorogued*.

## THE C. P. LEGISLATIVE COUNCIL

### SIR M. BUTLER ON THE FINANCIAL POSITION

The Autumn session of the C. P. Legislative Council opened at Nagpur on the 24th. August 1931. Addressing the Council His Excellency Sir Montagu Butler referred to the late Sir Sankar Rao Chitnavis's death and said Sir Chitnavis and his brothers played a very large part in the life not only of the C. P. Council and the city of Nagpur but the Province generally. When the late Sir Shankar Rao was young Indians had hardly been admitted into the higher services at all and the governing and higher administration of the country was almost wholly in the hands of Europeans. Such a condition of affairs was not in accord with the larger purposes of Great Britain; for obviously there could be no hope of fitting India for self-government unless and until her sons had proved themselves fit to man the public services in all the branches. Consequently one of the early steps taken by Parliament after the assumption of sovereignty by the Crown was to associate Indians with Europeans in the higher ranks of the Administration. The first method chosen in adding Indians to Civil Service was by direct appointment and Sir Shankar Rao was one of the young men selected to the statutory civilians.

The Governor then referred to the financial position of the province during the current financial year 1930-31. As anticipated, there was a loss of fifty lakhs in income and an increase in expenditure of at least three lakhs on account of the civil disobedience movement. Five years ago the income was close on 550 lakhs and this year it was not expected to be more than 480 lakhs and might not be even that, if there was any further political commotion. The need for economy was clear and new scales of salary for the future recruits were expected shortly. The salaries of the All-India Services were guaranteed by an Act of Parliament, whilst the Government did not want to touch Provincial and Subordinate services and the lower ranks generally so long as the All India Services remained intact.

The Governor then dwelt on the political troubles. Before the general amnesty of last March took place, his Government took action with such promptitude and passed orders setting free about half of the civil disobedience prisoners and he then hoped that his clemency combined with the readiness shown by the Government of India to let bygones be bygones would lead rapidly to a return to normality. Unfortunately, a bad start was made when it was misrepresented all over the province that the March Settlement was a truce and not a peace, and that the war mentality should not be given up. Then followed repeated efforts to hold up to honour those who had assassinated officers of Government, European and Indian. Recently, Mr. Gandhi had admitted the mistake made about this matter at Karachi, and the All-India Congress Committee had condemned the attitude of mind which condoned in any way what was and could not be anything but murder. There had also been other acts and utterances of a character calculated to delay the restoration of harmony but he would not dwell on them now, because the situation was delicate, and in such circumstances though speech might be silver, silence was golden. The political atmosphere was not yet clear, and the Government could not afford to relax its vigilance. The Government had a duty to protect the public and individuals and secure due observance of law and order. And this duty stood as it always stood. His Excellency then referred to the progress achieved in the administrative and political life of India and said he had observed nothing but continuous advance towards the goal.

### TRIBUTE TO LATE SIR S. CHITNAVIS

After the Governor's speech, the Hon'ble Mr. Raghavendra Rao, Leader of the House, paid a high tribute to the late Sir Shankar Rao Chitnavis and moved for the adjournment of the House as a mark of respect.

Mr. Khaparde, Rao Bahadur K. S. Nayadu, Mr. T. J. Kedar, Mr. H. C. Gowan and others shared the views expressed by the Leader of the House after which the Council adjourned till the next day.

## DISCUSSION ON OFFICIAL BILLS

**25th. AUGUST:**—After question time to-day, Mr. B. G. Khaparde, leader of the Nationalist Party, objected to supplementary demands being moved on the ground that notice of the same was handed over to the members only just before their entry into the Council Chamber.

It was decided to take up these demands on the next day.

Official bills were then discussed. The *Land Revenue Tenancy Amendment Bill* was taken up first. The present Tenancy Act contained no provision whereby the rent of a tenant's holding could be altered on diversion of the whole or any part of it from agricultural to any other purpose; but under Proviso (11) to Section 88 of C. P. Land Revenue Act, on such diversion, the revenue payable on the land may be re-assessed in accordance with its altered value. The land-holder's remedy is to sue in a civil court for ejectment if the tenant has occupancy rights, but if he has absolute occupancy rights, even that course is not open to him. The bill has been drafted to remove this anomaly; and to obviate the hardship whether to the landlord or to the tenant, the bill also makes it clear that after the tenant's rent has been altered, the rights existing before diversion will continue. The bill was referred to a select committee without any opposition.

The *Vaccination Law Amendment Bill* was next taken up. Vaccination operations had been steadily falling in rural areas and mortality from smallpox had been increasing. It was considered desirable that the Government should have power to make vaccination compulsory in the rural areas on the initiative of the District Councils.

Mr. M. P. Kolhe and several non-official members opposed the motion urging that the bill should be circulated to elicit public opinion.

The Hon. Mr. G. P. Jaiswal said 18 District Councils supported the bill. The bill had been published in the C. P. Gazette. No adverse criticism had been offered and thus it had to be presumed that the people were in favour of the bill.

The motion for circulation was thrown out and the bill was referred to a select committee.

## AN ADJOURNMENT MOTION RULED OUT

Mr. K. P. Pande gave notice of a motion for adjournment of the House, on the ground that a serious situation had arisen by the detention of Mr. Dulchand, member of the Legislative Council for Saugor District, under a warrant issued by the Revenue authorities for default of payment of land revenue.

The Deputy President ruled it out of order on the ground that it was a private matter.

## ELECTION OF PRESIDENT

**26th. AUGUST:**—At the Council to-day, after question-time, the House proceeded with the election of President. Of the eight candidates six withdrew. The contest was thus between Mr. S. W. A. Rizvi and Mr. Y. M. Kale. The former belonged to the Democratic Party and the latter to the Nationalist Party. Mr. Rizvi secured 35 votes and Mr. Kale 34. Mr. Rizvi was declared elected.

**28th AUGUST:**—The Council reassembled this afternoon, the Hon. Mr. S. W. A. Rizvi presiding. The House congratulated and offered its support and co-operation to him and hoped that he would be above party politics and impartial on the Hindu Moslem question.

Mr. Rizvi, replying, thanked the House, and assured the members that he would discharge his responsible duties respecting the wishes of the House.

The Council then proceeded with legislative business and adjourned till the next day.

## C. P. LOCAL SELF-GOV'T. AMEND. BILL.

The Hon. Mr. G. P. Jaiswal introduced the *Central Provinces Local Self-Government Amendment Bill*. Under the law as it stands at present, there can be only one district council for each district and if a certain district is abolished, the District Council of that district would automatically cease to function. In order to reduce to a minimum the administrative dislocation arising from a possible readjustment of district boundaries, it is considered necessary to keep the position of the existing district councils unaffected by such changes. With this end in view, it was intended to amend the present Bill and provide for more than one district council functioning in a district independently of each other.

There was opposition to the Bill from certain non-official members on the ground that this measure would not help anybody. The Bill was passed into law without any division.

#### MUNICIPALITIES AMEND. BILL.

The Hon'ble Mr. Jaiswal next moved that the *Municipalities Amendment bill* be taken into consideration.

Mr. B. G. Khaparde, Leader of the Nationalist party opposed the Bill and characterised it as reactionary.

Mr. D. T. Mangalmurti, President of the newly-formed People's Party, opposed the Bill on the ground that its passage would strengthen the hands of municipal authorities in oppressing subordinates.

Mr. Yusuf Sheriff also opposed the Bill.

Mr. C. B. Parakh supported the Bill.

Mr. T. J. Kedar, leader of the People's Party opposed the measure characterising it as most reactionary.

The Hon. Mr. Jaiswal assured the House that all objectionable clauses would be reconsidered in the select Committee.

The Bill was subsequently referred to a select committee.

The House then adjourned.

#### REVENUE COLLECTIONS IN JUBBULPORE.

*1st AUGUST:* In the Council today, Mr. Chumu, representing the Nerbada Division, moved a resolution urging that a committee consisting of seven members be appointed to enquire into the methods followed by the Government officers in recovering Government dues in Jubbulpore District and report within two months to the Council.

Mr. K. P. Pandé in supporting the resolution described the intolerable condition of the peasantry in the district and strongly protested against the measures adopted by the Government officers in the realisation of their dues.

Replying on behalf of the Government, Mr. H. C. Gowan, Revenue Member, said that the charge levelled against the Government by Mr. Pandé were too vague and indefinite to be answered satisfactorily. Government never shirked an enquiry into specific and definite complaints against their officer. The Government were always sympathetic to the condition of poor peasants and he mentioned the measures adopted by the Government for their relief in the form of suspensions where due. As regards 'oppressive' methods he asserted that no movable property of a single peasant had been removed, nor were any coercive processes applied in realising Government dues. The use of the police, which was an agency of the Government, was made for the protection of the Tahsildar or revenue collecting officers. The police were certainly acting within the law and no instance where they exceeded their powers had been brought to their notice.

The motion was eventually withdrawn.

#### SANSKRIT PROFESSORSHIP IN MORRIS COLLEGE

Mr. Muzaffar Hussain's motion asking the Government to take immediate steps to create Class I professorships in Sanskrit and Persian in the Morris College, Nagpur, was passed by 24 votes against 21.

#### GRANTS TO LOCAL BODIES

Mr. M. P. Kolhe moved a resolution urging the Government to give full grants to local bodies in the Central Provinces and Berar this year without a reduction of 20 per cent as proposed.

The motion was, after a heated debate, carried by 24 votes against 21.

#### GRANT TO NAGPUR SEVA SADAN

Mrs. Ramabai Tambe, the only nominated lady member, moved a resolution asking the Government to make a grant to the Nagpur Branch of the Seva Sadan towards the maintenance of a hostel for women students attending the various colleges in Nagpur.

Mr. C. E. W. Jones, Education Secretary and Dr. Punjabrao Deshmukh, Education Minister, outlined the Government policy in the past towards the education of girls, and observed that the Government had every sympathy with the cause, and in spite of severe financial stringency, they would see that the grant was included in the budget if possible.

After this assurance and the expression of sympathy from all parts of the House, the mover withdrew the resolution.

#### RECRUITMENT TO THE SERVICES

Rao Bahadur K. S. Nayadu of Wardha, leader of the Democratic Party, moved a resolution standing in the name of Mr. S. S. Tiwari (absent) recommending to the Government that recruitment to the public services should be made in such a way as to secure fair and adequate representation of the various communities consistently with considerations of efficiency and possession of the necessary qualifications. The motion was debated upon for a long time. The Hon. Mr. Raghavendra Rao, Home Member, and Leader of the House, announced that official members would remain neutral without taking any side. Eventually, the motion was declared carried, and the House adjourned till the next day.

#### NON-OFFICIAL RESOLUTIONS

*2nd. SEPTEMBER* :—After question time, to-day, Mr. K. P. Pandi's motion for the adjournment of the House to consider the Minister's refusal to reconstitute Raipur and Betul District Councils was ruled out of order by the President on the ground that a similar resolution was already tabled and moreover it was not an urgent matter. The House then proceeded with the non-official resolutions concerning provincial and local grievances.

*Lala Jamarain* moved recommending to the Government that outsiders should be strictly excluded from all appointments in class 2nd provincial services and from all appointments in the subordinate services and that only those whose parents have become *bona fide* residents of the province should be admitted.

The above resolution was carried without a division.

*Rai Sahib Badri Prasad Pajari's* resolution recommending to Government that they should, in the interest of the cotton industry, request His Excellencies the Viceroy and Governor-in-Council that Railway freight on cotton, cotton yarn and cloth should be reduced with a view to afford relief to agriculturists was carried without a division.

*Mr. C. B. Parakh's* resolution recommended to Government to amend the rules made under the Free and Compulsory Primary Education Act to bring them on line with the rules made by other Provincial Governments so as to include (a) rent of school building, and (b) whole cost of free and compulsory primary education including that which was incurred when education was voluntary in the total cost for determining the half share of Government.

The resolution was opposed by the Minister of Education but it was carried without any division.

*Seth Thakurdas Govardhandas'* resolution recommending to the Government the appointment to the post of Director of Industries an enthusiastic person with technical qualifications in the place of the present I. C. S. incumbent was declared lost.

The mover claimed a division which gave a clear verdict in favour of the resolution by 33 votes against 17.

As the time for discussing further non-official resolutions was over, the House was adjourned *sine die* in spite of the non-official demand to proceed with the remaining resolutions.

# THE PUNJAB LEGISLATIVE COUNCIL

## SERVICES COMMISSION BILL

The November Session of the Punjab Legislative Council opened at Lahore on the 27th. November 1931, when two Government measures, the *Punjab Services Commission Bill* and the *Punjab Nurses Registration Bill* were referred to select committees.

The statement of objects and reasons of the Services Commission Bill said that after full consideration, the Punjab Government were of the opinion that a Commission exercising functions similar to those exercised by the Central Public Services Commission should be established for the Punjab as soon as the financial situation permitted. The Bill followed the lines of the Government of India Act and the rules framed by the Secretary of State-in-Council regarding the functions of the Central Public Services Commission, and had been modelled on the lines of the Madras Services Act of 1929.

## REGISTRATION OF NURSES

In the Nurses Registration Bill, it was proposed to enact a measure on the lines of the law in force in England where there was a Council which dealt with various questions relating to nurses such as their training, examination, registration, etc., and their removal from the Register maintained under the authority of the Council.

A provision also existed in the English Act forbidding any unregistered person from practising as a nurse and also penalising the use, by an unregistered nurse, of any title or name suggesting that such a nurse was a registered nurse. The Madras Nurses and Midwives Act of 1926, which was based on the English Act, had already been passed into law, and in drafting a Bill for the Punjab use had been made of the provisions of the English and Madras Acts.

## RELIEF TO AGRICULTURISTS

1st. DECEMBER: - The Council spent the whole of to-day's sitting discussing *Sardar Arjan Singh's* resolution recommending to Government that a general remission of at least 50 percent in land revenue and *abiana* be granted in respect of all kharif crops of 1931 throughout the province. A large number of elected members supported the resolution pointing out that the financial position of the agriculturists was deplorable, that if they were not helped at this time of crisis they would be ruined and might in despair join the civil disobedience movement which the Congress was proposing to launch.

Among the proposals put forward for raising the necessary funds were, curtailment of expenditure of Government, drastic retrenchment in all directions, particularly on the lines suggested by the Retrenchment Committee and even the raising of loan.

*Sir Henry Craik* said the peasantry had the fullest sympathy of the Government which had been made on a scale never approached before. The Government would continue to carry out in future the same policy in regard to relief to the agriculturists. He, however, objected to the form in which the resolution was moved and advised the mover to withdraw it and let the Government do what it possibly could to help the agriculturists. Turning to points raised in the debate, *Sir Henry* said that the demand in the resolution for land revenue reduction for the kharif harvest was Rs. 200 lakhs and demand for *abiana* for kharif harvest was Rs. 203 lakhs. Even if the salaries of all the services from the Governor downwards were reduced by 20 per cent., not more than Rs. 90 lakhs savings would be made by cuts and retrenchment. The amount of relief asked for could not be obtained, nor could it be met by borrowing, if borrowing was considered desirable, as money would not be available, at present even at 8 percent. The only course for the house was to let the Government do what it could for the agriculturists.

*Mr. H. Calvert*, financial commissioner, opposed the resolution on financial grounds. He said that if the resolution were accepted Government would realize land revenue less than what it was collecting in 1868. Nobody could say that the

zamindars of the province were poorer than they were in 1868. The Government were prepared to go as far as it could to meet the crisis. The discussion was continued on the next day, the 2nd. DECEMBER when interesting facts and figures regarding the condition of the Punjab agriculturists were given by *Captain Sikandar Hayat Khan*, Revenue Member. Explaining the difficulties of the Government in accepting the resolution he said the reduction of 50 per cent in land revenue and *abiana* would be too lavish to zamindars in one part of the province and unfair to another part of it. The Government was trying to find out a device by which relief could be divided equitably according to conditions prevailing in different parts of the province. He agreed that the depression had hit the agriculturists too heavily. The comparison of the pre-slump and the present prices of agricultural produce would indicate that these prices so far had been responsible for a loss of approximately Rs. 56 crores to the zamindars, and to that extent their buying capacity had been diminished. Payments of land revenue and *abiana* were much smaller in proportion to what the zamindars had to pay as interest to their creditors. They had to pay from about Rs. 15 to Rs. 13 crores as interest annually. He advised the members to devise a plan whereby this indebtedness of the zamindars could be diminished, and offered Government help in formulating a plan. Finally, he advised the mover to withdraw the resolution and leave the question of relief to the zamindars entirely to the hands of Government whose sympathy for the agriculturists was voiced in clear terms by His Excellency the Governor in his address.

The resolution was carried without a dissentient voice.

#### COMPARATIVE DURATION OF LIFE IN PUNJAB

At question time Mr. Noon said that the mean duration of life in the Punjab was 30.1 years as compared with 24.7 in India as a whole. The figures for some European countries were: Italy 49.3; France 52.5; England and Wales 55.6; Germany 56.

#### PUNJAB UNIVERSITY

*Mulik Feroze Khan Noon*, Minister, next accepted on behalf of the Government Mr. Anand Yar Khan Daultana's resolution recommending the appointment of a committee to examine the working of the Punjab University and its constitution, rules and regulations with a view to suggest such legislation and other changes as might be necessary for the better control and administration of the University.

#### COMMITTEE TO SOLVE COMMUNAL PROBLEM

3rd. DECEMBER:—A resolution of considerable importance to the whole of India was passed unanimously by the Council this afternoon. It read: This Council resolves that in view of the Premier's declaration regarding communal settlement a committee consisting of the following gentlemen be appointed to find a unanimous solution of the communal problem in the Punjab: 1. *Captain Sikandar Hyat Khan*, 2. *Sir Jogendra Singh*, 3. *Mr. Malik Feroze Khan Noon* and 4. *Dr. Gokulchand Narang*. The committee may consult or co-opt leading members of communities in the Punjab and report to the Council in the next budget session.

The resolution was signed by 52 elected members. *Pandit Nanakchand*, who moved it in a short speech, said that the progress of the whole of India was blocked by the non-settlement of the communal question of the Punjab and he hoped that a unanimous solution of the communal question here would be found and it would bring peace. He was followed by the leaders of all parties and the Government spokesman *Sir Jogendra Singh* who all expressed similar sentiments.

#### RETRENCHMENT COMMITTEE REPORT

Earlier the Council had a general discussion on the proposals contained in the retrenchment committee's report. This was continued on the next day, the 4th. December, when the Report was discussed for three years after which the Council adjourned *sine die*.

## THE ASSAM LEGISLATIVE COUNCIL

The autumn session of the Assam Legislative Council commenced at Shillong on the 28th. September 1931. The Government brought several legislative measures one of which, the *Assam Pure Food Bill*, was referred to a Select Committee without opposition. The *Assam Court Fees Amendment Bill* was referred to a Select Committee after considerable debate. Excepting the planting group, the majority of non-official members opposed Sir Muhammad Saadulla's motion in this regard on the ground of economic distress and fall in the price of land. The motion, being pressed to a division, was carried, 24 voting for and 17 against it.

29th. SEPTEMBER : At to-day's meeting of the Council, the Hon. Mr. Laine, Revenue Member, introduced the *Assam Local Rates Amendment Bill* affecting the permanently settled estates.

Mr. Munawar Ali moved an amendment for the circulation of the Bill for eliciting public opinion.

Mr. C. H. Witherington, on behalf of the Planting group, expressed himself strongly in favour of the Bill, but supported the amendment for circulation.

This was carried, 31 voting for and 9 against it.

### GOVERNOR'S ADDRESS

His Excellency Sir Laurie Hammond then addressed the Council. Referring to the financial situation His Excellency observed that last year's working had resulted in a deficit of fifteen lakhs. 'Apart from the loans taken in the ordinary course from the Government of India, allowing every effort at economy consistent with the preservation of peace and order, we do not expect to save more than 12 lakhs. Our expenditure will stand at eleven lakhs in excess of the anticipated revenue, including savings which may materialise as a result of the acceptance of the recommendations of the Retrenchment Committee. Our debit balance with the Government of India will be in the neighbourhood of twenty-five and thirty lakhs, including a deficit of fifteen lakhs.

His Excellency reminded the Council of the necessity of placing the revenues of the province on a sound basis with an adequate cash balance. Referring to the Local Rates Bill, designed to relieve provincial revenues from a heavy charge by its partial transference to local bodies, which is now under consideration of the Council, His Excellency observed : "After anxious consideration we have thought it right to place before you this Bill enabling the local boards to increase their revenues ; and, in a case where the local rate is assessed on the assumed rental of two rupees an acre, providing for enquiries which may enable assessment to be made on a more accurate basis of the ascertained rents as in Bengal so far as the permanently settled tracts of the provinces are concerned.

His Excellency reiterated that the extra taxation was unavoidable and that, if necessary, the Government should not hesitate to place before the Council, in the ensuing March session, a bill to raise the court fees to the level in Bengal and Bihar.

One more aspect of the retrenchment which His Excellency referred to was that nearly two-thirds of the revenue in Assam were expended on salaries. "The status of a major province involves heavier overhead charges, but I believe you have no wish to revert to your former status. The Retrenchment Committee has recommended a reduction in salaries in view of the fall in prices, but added a condition that any cut should be universal, that is, that the protected services should also contribute. If this were not possible, it was disinclined to impose a cut on the provincial subordinate and ministerial services alone. This view the Assam Government endorse and we agree that, as a temporary measure, in times of national emergency, scaling down the salaries appears to be unavoidable. It is right that officers should know that this may come and it is possible that a general reduction will take from December 1, 1931. We hope that it will not apply to salaries below Rs. 50. Above that figure we contemplate an all round cut of 10 per cent. I informed His Excellency the Viceroy that, so far as the members of the Assam Government were concerned, including the Hon. Ministers, my Hon'ble colleagues were willing to agree to a voluntary cut of 10 per cent on their salaries and that I myself would surrender 15 percent. Possibly this action may have two beneficial results. First, I would like to think that it may perhaps be a solace to other gentlemen outside the ranks of Government service who, in these hard times, have suffered a reduction in salary or a loss of income. It may be small encouragement



to the other officers of Government whose salaries may be compulsorily retrenched. In the event of a compulsorily retrenchment in salaries it will, I feel sure, have the effect of encouraging my hon'ble colleagues to a vigilant scrutiny of all the proposals for expenditure and possible sources of retrenchment. It may induce you, gentlemen, to consider more dispassionately any proposals for increased taxation.

**30th. SEPTEMBER:**—In the Council to-day, the motion of Rai Bahadur Nagendra Nath Choudhury on behalf of non-official members to present an address to His Excellency the Governor for the allotment of more days in future for non-official business raised a controversy over the manner in which the Council's business was being conducted.

After a full dress debate the motion was carried.

#### CUTS IN MINISTERS' SALARIES

**1st. OCTOBER:**—The Government laid on the table to-day a resolution delineating the steps taken on the recommendations of the Retrenchment Committee and in the task of increasing revenues by fresh taxation.

The Council then discussed non-official business.

Mr. Sanat Kumar Das moved a resolution recommending reduction of Ministers' salaries to Rs. 2,000 from such date as the law permitted and the fixation thereof at that rate from April next and provisions in the next budget accordingly.

The Hon'ble Sir Saadulla opposing pointed out that the resolution, if carried, could not be binding upon the Government to make provision for a lesser salary at the budget session, although it was then for the Council to decide what salary they would vote for the Ministers.

After a heated debate the resolution was lost only 10 voting for and 32 against it.

#### CUTS IN SALARIES

Mr Brindaban Chandra Goswami was allowed to move his adjournment motion protesting against the proposed reduction in the salaries of Government officers drawing Rs. 50 and above at a uniform rate of ten per cent. A majority of the non-official members joined him in advocating a graded cut ranging from 2½ per cent upwards.

The Hon'ble Sir Saadulla, explaining the Government position, stated that the Assam Government was originally entirely against any percentage cut in the salaries of Government officers which they thought was inequitable in that the officers had entered the service under the understanding of security of appointment and pay, but they could not remain unique and had to fall in line with the Government of India and other provinces. The adjournment motion was carried without a dissentient voice.

**2nd. OCTOBER:**—The Council voted supplementary demands to-day. Under the demand for an additional grant for the police, Mr. Rohini Kumar Choudhury's censure motion, raising a discussion on the alleged police excess and inefficiency, was lost.

Mr. C. H. Witherington, leader of the planting group, discussed the advisability of getting a preferential import duty on the tea entering Great Britain and requested the Government to communicate to the proper authorities their desire of the House in this respect.

The Hon. Sir Muhammad Saadulla stated that the Government did realise the close relations between the exchequer and the tea industry in Assam and assured the Council of their support. The Council was prorogued on the 3rd. October.

## THE B. & O. LEGISLATIVE COUNCIL

The Autumn Session of the Behar and Orissa Legislative Council opened in the Council Chamber, Ranchi, on the 19th. August 1931.

Rai Bahadur Shyammandan Sahay moved a resolution recommending that Government should take necessary steps to enable the departments concerned to realise from occupiers of Government buildings situated in municipal areas all municipal taxes and rates appertaining to buildings they occupy and pay them to municipalities concerned. The resolution was lost by one vote.

## RETRENCHMENT

*Rai Bahadur Lachmi Prasad Sinha* then moved the following resolution :—

"The Council recommends to the Government to adopt adequate and necessary measures of retrenchment in expenditure of different departments of the Government."

He referred to the prevailing economic distress and said that at critical juncture like the present, retrenchment was the only advisable course. People were getting poorer and there was no chance of price rising in the next few years. Therefore it was but meet that instead of Government coming with fresh proposals for taxation to meet their needs, they should adopt measures of retrenchment in time, so as to keep the expenditure on a par with the condition of the country.

*Mr. Srikrishna Prasad* supporting the resolution said that the financial position of the province was going from bad to worse every year not because the province had not sufficient revenue but because Government were reckless in expenditure. The revenue in fact had been showing increase. There was increase of one crore eighteen lakhs in 1929 over that in 1921. But the maximum limit had by now been reached and it was really time to observe caution. The expenditure was also going up. In fact in the last ten years there was an increase of one crore, seventy-three lakhs and few thousands and the expenditure was increasing out of all proportion to income and that for purposes which could not be said to have been tending towards the development and progress of the province. This was a dangerous state of things. The province was in a hopeless condition and it was time for Government to come forward with measures of retrenchment not merely by the cutting of travelling allowances, not merely by stopping erection of some buildings but effecting genuine retrenchment in what was known as general administration. The police which were the costliest of the departments was a terrible burden on the poor tax-payers of the province.

*The Raja of Kanha*, Finance Member, replying for Government said that Government were doing all they could towards retrenchment and they would consider suggestions made in the Council. They were watching what other provinces were doing and at the present stage they did not think it proper to appoint a committee.

He made a statement showing the retrenchment in the expenditure of the Government budgeted for 1931-32 and in making it said :—

The business before the house is concerned so largely with resolutions proposing various forms of retrenchment that I think members will welcome an explanation of the financial position from me before we proceed to discuss the resolutions. I need hardly say that Government wish to place the whole position frankly before the Council. When the budget for 1931-32 was presented to the Council I estimated that the opening balance would be 90 lakhs, the total receipts 5 crores 98 lakhs, the total expenditure 6 crores 18 lakhs and the closing balance 70 lakhs, being a deficit of 20 lakhs on the working of the year. As I explained in the budget speech, retrenchment amounting to 9 lakhs had been made in the normal standard of expenditure and in addition Government had provided only 6 lakhs as new expenditure as against an average provision for new expenditure of 39 lakhs during each of the preceding three years. That was what I anticipated. Now let us see how far those anticipations are being fulfilled. The actual opening balance was 82 lakhs. We thus ended 1930-31 nearly 8 lakhs worse than we anticipated. It is a pity that the error was on the wrong side, but all things considered, the drop might easily have been greater, and we now know how we stand.

The actual receipts of revenue for the 1st quarter of the current year are 115 lakhs as against 119 lakhs last year. Taking the principal sources of revenue for this period, excise is 58½ lakhs worse than last year, land revenue is only half a lakh worse, while stamps are half a lakh better. There have recently been some signs of improvement in the excise revenue. Having regard to the fact that in estimating revenue for the current year we assumed that the first few months would be a period of difficulty and that slight improvement could be expected as the year went on, the figures indicate that revenue for 1931-32 should not be appreciably less than the amount anticipated in the budget if those general assumptions were correct.

The figures, therefore, do not indicate any very great change. But, as I told you last February, it is impossible in these abnormal times to rely on the estimates of revenue even though the results of the first quarter indicate that so far we were justified in our estimates. The most important factors however is that a serious deterioration in the general financial position of India has occurred. Those provinces which depend on commerce and the export of raw products have been hit more

severely than we have, while the Government of India is also faced with a serious fall in its revenue. It is evident that the depression is going to last longer than was expected. This means that if we were to exhaust our balance, we should have the utmost difficulty in obtaining funds from the Government of India. The financial deterioration of India as a whole also means that for some years we must abandon the hope that the new constitution will give us new sources of revenue to any appreciable extent. These considerations have convinced Government that their financial policy must be based on the supposition that for some years the province must depend entirely on its own resources. It therefore became important to ensure that the deficit for which we budgeted should be reduced and an attempt made to raise the balance to a more adequate figure. The possibilities of further economies were closely examined and early this month, Government ordered extensive measures of retrenchment. The details of these retrenchments will be found in the statement which I have caused to be circulated to members. We expect by this means to reduce our expenditure by 15 lakhs this year, which will mean that the deficit on the year's working should be 5, instead of 20 lakhs, and that 15 lakhs should be added to the closing balance, making a total closing balance of 77 lakhs, of which the ordinary balance (excluding the Famine Relief Fund) would be 4½ lakhs. Or, in the alternative, if unforeseen developments occur and our general assumptions do not hold good, we shall have done all we can to preserve our stability.

*20th. AUGUST:—*In the Council to-day the Government accepted two *non-official resolutions*, one urging the need for retrenchments in expenditure in various departments and the other for representation of the aborigines on the Round Table Conference, particularly on the Minorities Sub-Committee of the Conference.

The Government agreed to convey the wishes of the Council to the Governor General and through him to the Secretary of State.

Mr. Srikrishna Prasad's resolution for the appointment of a Committee to examine the question of expenditure on the services and the method of their recruitment with a view to retrenchment provided a long and animated discussion. Among the prominent non-official speakers supporting the resolution were Rai Bahadur Dwarkanath, Rai Bahadur Shyamnandan Sahay and Mr. Sachidananda Sinha, ex-Finance Member and leader of the Opposition.

The last speaker supported the proposition generally but thought that the committee as suggested would mean expense and therefore he would suggest that the Government with the aid of two non-official members should examine the question in the light of the recommendations of the Retrenchment Committee appointed in 1921.

The Financial Secretary doubted if any useful purpose would be served by the Committee as suggested in the resolution and pointed out that it would be an expensive contrivance. The non-officials carried the resolution by 19 votes to 33.

Mr. Srikrishna Prasad's resolution regarding recruitment to provincial services by means of competitive examinations was being discussed when the Council adjourned.

*24th. AUGUST:—*Official Legislative business was transacted in the Council to-day. Rai Bahadur Mannatha Nath Sen, Officiating Secretary, Local Self-Government Department, moved that the Bihar and Orissa Municipal Amendment Bill of 1931 be referred to a Select Committee. He explained that the Bill was designed to help the Municipalities in assessing and realising their taxes. The collection of Municipal taxes has been deteriorating from year to year, and that on that account the Municipal Administration on the whole suffered. Under the existing law, Government were empowered to supersede a Municipality for mal-administration, but that was a drastic measure and was used in exceptional cases. The proposed Bill was a measure for partial supersession only by taking over assessment and collection of taxes by Government.

Among the supporters of the Bill were Messrs. Saghirul Haq, Hasan Jan and Rajandhrail Sinha. Rai Bahadur Dwarkanath regarded the Bill as an indictment to their capacity for Self-Government. Rai Bahadur Shyamnandan Sahay desired certain improvements in the Bill.

Mr. Sachidananda Sinha approved the remedy suggested by the Bill, but deferred his considered opinion till it emerged from the Select Committee. The discussion was not concluded when the Council adjourned.

# **CONGRESS & CONFERENCES**

**July—December 1931**



# THE MUSLIM CONFERENCES

## The All India Muslim League

NEW DELHI—26th. DECEMBER 1931

The twenty-second session of the All India Muslim League commenced on the 26th. December 1931, inside the courtyard of a private house in New Delhi, belonging to Khan Sahib Nawabali. About 100 people attended the session. After the address of Khan Sahib S. M. Abdulla, Chairman of the Reception Committee, Sir Mohammed Yakub told the audience that the power of selecting the President of the annual session of the League had been vested in the Council of the League who had selected Chaudhury Zafarulla Khan to preside over the current session. He therefore requested Chaudhury Zafarullah to take the chair which he did. At this stage, Dr. M. U. S. Jung, (Allahabad), raised a point of order and asked whether there was a quorum in the House and whether the Council was justified in shifting the venue without proper notice to the public. The President assured him that the Secretary had ascertained that there was quorum and the Council was perfectly justified to change the venue in order to conduct the proceedings in harmony and peace. He asserted that all concerned had been given proper notice and the very fact that the gentleman who had raised objection was present proved his assertion. The President then delivered his address after which condolence resolutions on the deaths of Maulana Mohammad Ali, the Maharaja of Mahmudabad and Maulana Abdul Majid Badauni were adopted.

### Chairman's Address

The following are extracts from the lengthy address of Khan Sahib Sherif Mohammed Abdulla, Chairman of the Reception Committee of the League:—

"At the outset I must frankly state that we claim to be and are as much Indians as any other community in India and are just as keen to see our country achieve freedom. Were our claims acknowledged and our just rights and privileges recognised in a spirit of fairness, we would gladly overcome the obstacles in the way of our common goal. But troubles really begin when we are accused of Pan-Islamism or for planning Moslem Rule in India, merely because we demand certain safeguards rendered necessary on account of bitter experience in the past or ask for our fair share and opportunities in legislatures and public services.

I take this opportunity to assure my Hindu brethren that we the Mussalmans belong to Indian soil and that our outlook is essentially Indian, but we refuse to recognise the right of any other community to dominate or overawe us. We must all strive in unity to develop a common Indian culture and build a happy and progressive Indian nation, which should be composed of all that is best in varied cultures that have found their way into India. But so long as any one community strives for domination over the other and dreams of Hindu or Moslem Raj, trampling under foot the rights of the other communities to develop along their own lines, there is little hope of speedy realisation of our legitimate aspirations to become a great and free nation. We, the Mussalmans of India, must be assured by our Hindu brethren that we have our just rights and share with them in the future constitution of India. They can do so by displaying a spirit of generous and fair treatment in regard to our claims relating to representation in the legislatures and the public services. This is the real crux of the entire Hindu-Moslem problem in India.

Ladies and gentlemen, my regret is that such a generous spirit has not yet been shown to us by the majority community and even the Hindu leaders at the Round Table Conference have taken shelter behind vague expressions. I make bold to say that this was the main reason for the failure of the Conference itself. Here I must refer to the often repeated accusation that Moslem delegates had made common cause with the diehards in England. The speech of Lord Hailsham, as delivered by him during the House of Lords debate on India the other day, has revealed the

reality and has fully exposed the myth. The noble lord is reported to have made the following observation :—“They were not going to impose a final settlement on a reluctant population and they were not going to have a settlement scheme held up by one recalcitrant minority in one province. A provisional agreement would be put into operation until a final settlement was reached.” What the Moslem delegates actually did was to show solidarity and refused to be hoodwinked by any other community. Mussalmans had formulated their demands in Delhi two years ago and since then have been solidly standing by them. But unfortunately even these modest demands did not meet with the approval of the Hindu community. So far we have succeeded and succeeded well in preserving unity in our own ranks; and God willing, with this solidarity in our ranks the ultimate success should be ours.

The statement of the Prime Minister was good as far as it went. But it must be read in conjunction with the speech of Sir Samuel Hoare in the House of Commons on India debate. Reading between the lines, the statement of the Prime Minister comes to this that the Conference would continue, new committees would be formed and the process of negotiations would go on *ad infinitum*. The statement may be a *Magna Charta*, but apparently it gives nothing and promises nothing. It is merely an attempt to satisfy British Tories, Indian Mussalmans and the rest in the same breath. Sind is to be separated but subject to conditions which are not likely to be fulfilled. North-West Frontier Province is to be given the status as the other provinces, but its Governor is to have such extensive powers as would make responsible government a mere shadow. And yet some of my countrymen are jubilant over this shadow and wish us to believe that India has got its *Magna Charta*.

So much of the present, but what of the future? The terrorists on the one side are engaged in a campaign of indiscriminate murder while the Congress on the other hand has already launched a no-rent campaign in the United Provinces, while there are threats of revival of civil disobedience movement. And last but not least the Government is bent upon making good the losses incurred as the result of these movements and is saddling the country with an unbearable burden of taxation and promulgating ordinances, which are hitting the guilty and the innocent alike. The question is what are the Mussalmans to do?

Our path is clear. We have not yet lost faith in British Justice and constitutional methods of winning self-government, through consultations and negotiations. We must on the one hand condemn and combat terrorism, as we are convinced that it rewards the progress of the country. We must also oppose civil disobedience movement as we are certain that it is not in the best interests of the nation. And lastly, we must not give up hope of communal settlement, but we must continue negotiations, if our Hindu brethren are willing to do so; although in view of the recent announcement of the president of the Hindu Mahasabha we have little hope from such negotiations. If, however, the attitude of the majority community remains as defiant as it has been so far, we cannot hesitate in saying that they do not desire real Swaraj in this country and are really an obstacle to its progress. Mussalmans, though they may be poor and weak, must remain a thorn in their path and will not let them lie on a bed of comfort unless their demands were conceded, and attainment of independence must for ever be a mere dream and speculation. And even if our Hindu brethren were ever to succeed some day and win what they are struggling for to-day without our co-operation, they must clearly understand that the same weapons, which they are using against the Government to-day, will be used against them by the Mussalmans. The present Kashmiri agitation has shown to the world that Mussalmans are in no way behind in using their weapons as effectively as their fellow brethren.

#### Presidential Address

Chaudhury Zaffarullah Khan in the course of his presidential address, said :—  
“In the sphere of political liberty the ultimate ideal that we have in view is not capable of being defined and confined within the limits of such expressions as ‘Dominion Status’, ‘Responsible Government’ or even ‘equal partnership’, for, circumstances are conceivable under which the interpretation of the terms may be confined to the expression of that relationship alone which the future Government of India may bear to the British Government and yet leave untouched the essentials of liberty to be provided and secured for every class and section of the people of this country and it is obvious that unless this last condition is fulfilled freedom from outside control may merely result in greater licence being afforded to those in whose hand political power may vest to encroach upon the rights and liberties of the people of the

country or of certain section of it. To win for India a constitution which when fully developed would fulfil both the conditions outlined above, the Muslims would be willing not only to march shoulder to shoulder with other communities but if need were and opportunity arose, even ahead of them.

Discussing the question of an All India Federation, he said, to the general outlines of the Federal scheme nobody could have any objection. But he drew particular attention to some of the difficulties involved in the application of the scheme to the actual conditions obtaining in the country. For instance, certain subjects notably Defence and Foreign Relations, Treaties with Indian States and their interpretation, etc., are proposed to be classified for the present as Crown subjects with regard to which the Governor-General would continue to be responsible to the British Parliament. These subjects will be in charge of Ministers who would be responsible to the Governor-General and not to the Legislature."

Again, Provincial subjects would be committed to the complete control of the respective provinces but Central subjects would be controlled and administered by the Federal Government, which would consist of an Executive and a Legislature drawn both from British India and from Indian States. He said, "This is the first difficulty, namely, that the Indian States participating in the Federation would obtain a share in the administration of subjects which are purely British Indian subjects, corresponding subjects in the Indian States being administered by such states within their respective territories without any control being exercised over them by the Federal Government. In other words, the Federation would be composed of units the autonomy of some of which, namely, the Indian States, would extend over a much larger sphere than that of the remaining units, namely, British Indian Provinces, and in which some of the subjects which are common to one group of units only would be administered by the Federation, that is to say, of all the units put together. The remedy for this state of affairs would be to eliminate completely the category of subjects which I have described above as Central subjects and this could be done by transferring the greater part of them to provinces and by declaring the balance to be federal. This would naturally require long persuasion and detailed adjustment but so long as this result is not arrived at, the federation would continue to be a lopsided structure."

Even after careful and exhaustive schedules and lists have been compiled classifying different subjects as Reserved, Federal, Central and Provincial, the constitution must contain a provision regarding such unforeseen matters as may arise from time to time and which may not have been allotted to any of these specific categories of subjects. Such matters are technically known as Residuary matters. Residuary matters and the powers to deal with such matters are known as Residuary Powers. No definite decision has been arrived at by the conference as to whether such powers shall under the new constitution vest in the Federal Government or in the Governments of the component units of the Federation. The very idea of a Federation such as is proposed by the Conference pre-supposes, however, that Residuary Powers must necessarily vest in the units of the Federation. Whatever may be the theories on the subjects the actual condition facing us is that the Indian States that may decide to join the Federation are not likely to give their consent to investigating the Federal Government with any powers other than those specifically assigned to it and they have insisted and will insist that apart from such well-defined powers all other powers of sovereignty must continue to vest in the Rulers of Administrations of the respective States. In other words, powers with regard to all subjects that are not specifically declared to be Reserved or Federal subjects must vest in the units so far as the states are concerned. This must lead to the necessary consequence that as regards British Indian Provinces also residuary powers must vest in the provinces, for if this were not so we would have the spectacle of a Federation in which residuary powers as regards some units would be exercised by those units and as regards other units by the Federation as a whole. There is no other federation in existence in which such a state of affairs exists, and it would be nothing short of an absurdity to permit such a provision to be incorporated in the future constitution of India.

As regards the method of election or appointment of the members of the Federal Legislature, he said, everybody is agreed that British Indian Members must come in by election, although there is some difference of opinion as to whether the Members of the Lower Chamber should be elected by the method of direct or indirect election, there being practical unanimity on the point that the members of the Upper Chamber should be elected by Provincial Legislatures. As regards representatives of the Indian States, the States desire that the method of selection of such



representatives should be left entirely to the discretion of the States concerned. In other words, the States desire that their representatives to both Chambers of the Federal Legislature shall be nominated by their Rulers or Administrations which obviously means that so far as the Indian States are concerned the only persons represented in the Federal Legislature will be Rulers or Administrations of the States that join the Federation. This again is a matter which would place British Indian Provinces in one category and the Indian States in another. We recognise that the States joining the Federation can legitimately insist upon retaining their full internal autonomy but we cannot support the position that whereas the representatives of British India should represent the people of British India, the representatives of the Indian States should represent only the rulers of those States.

After dealing with the problems of federal legislature, federal finance and franchise he referred to the All India Services, and observed: "The only safe course to adopt would be to provincialise all services the officers of which are normally to serve in provincial departments. It would still be necessary for the provinces at least for some time to come to employ a certain number of European officers in different branches of the administration. The recruitment of such officers could be secured by each province according to its requirements through the Secretary of State for India, whether on a permanent or on a period basis as may be considered desirable."

Discussing the question of the defence of India he said: "There can be no question that so long as India is dependent upon Britain for its Land, Naval and Aerial Defence it cannot enjoy any form of real and responsible government. The complete and rapid Indianisation of the Army in India, therefore, is an urgent and a vital necessity. While in this connection some attention is being paid to the admission of Indians to his Majesty's Commissions in various arms of the forces in India, enough attention is not being paid to the question of the admission of Indians to the ranks in such arms to which their entry has hitherto been barred, for instance, some sections of the artillery, the tank corps, armoured car companies etc. We must be prepared to furnish large numbers of suitable young men for recruitment into all sections of the Army and urge upon the Government the necessity of making proper arrangements for their training. There is also the very important question of equipment which requires careful consideration. The manufacture of arms, machine guns, canons, tanks, armoured cars and ammunition of various kinds, etc., within India is a problem which has not yet been brought under consideration and yet the vital necessity of tackling and solving this question is more than apparent. For the adequate naval defence of the country it is not sufficient merely to provide for the training of a handful of youngmen as marine and naval officers; adequate provision must be made for the training of a sufficient number of young men in all branches of the navy and more particularly in all branches of Marine Engineering. For purposes of aerial defence our youngmen must be prepared to come forward in large numbers to be trained as pilots, mechanics and ground engineers. The development of civil aviation on a large scale would not only give an impetus to recruitment to the various ranks of the Air Force but would also provide a reserve of officers, pilots, mechanics, engineers, etc., which could be mobilized in the case of necessity. Gentlemen, you will realise that these are very large questions and they deserve your immediate and earnest attention. As I have observed above, a liberty which depends for its maintenance upon the aid and assistance of another nation cannot deserve the name of liberty at all and if you have a desire both to earn and enjoy the blessings of real liberty you must be prepared to make the necessary sacrifices that may be required for the achievement of that ideal.

"As regards the Provinces it is generally agreed that they shall under the new constitution be fully autonomous and responsible, that is to say, they shall be freed from control of the Central (in future the Federal) Government so far as questions of purely provincial administration are concerned and that throughout the Provincial Executive shall be normally completely responsible to the Provincial Legislature. This is a comparatively simple matter and subject to the adjustment of communal claims and interests (to which I shall advert at a later stage) it should have been possible to carry it into effect almost immediately. A majority of the British Indian delegates to the Round Table Conference, however, urged upon the Prime Minister the desirability of postponing any advance in the provinces till such time as the principle of responsibility at the Centre could also be enforced. Those who held this view were of the opinion that the immediate establishment of complete

autonomy in the provinces might give rise to a suspicion in the minds of the people that settlement of questions connected with the Centre would not be proceeded with speedily and that under certain circumstances this suspicion may perhaps eventually be proved to have been justified with great respect to those who hold this opinion, I beg to differ from them. I am one of those who consider that the immediate establishment of complete autonomy in the provinces would both facilitate and accelerate the framing of a scheme for a responsible Federal Government and that it would be unwise to postpone the next stage of advance in the provinces till a satisfactory solution of questions affecting the Centre has been discovered and agreed to.

The position which the Muslims hold in this country is both peculiar and unique. It would be difficult to point out a parallel in the contemporary or past history of any other country or community. Our numbers exceed the numbers of many communities which are to-day enjoying and have in the past enjoyed the position and privileges of a nation. Our religious, cultural, social, and I may even add, linguistic unity supplies us with all the essentials that go to form a nation. Our common civilization, traditions, and history furnish additional factors that bind us together. We are anxious to preserve intact all these factors, and past experience has taught us that special provisions and safeguards are necessary for such protection although we feel that even with those provisions and safeguards in the constitution, the protection afforded will not be complete or even adequate. This, however, is a disability to which all political minorities are subject and it is not capable of being remedied by constitutional safeguards. For this reason it is all the more imperative that any constitution that may be framed should contain provisions safeguarding these matters to the fullest limits to which constitutional safeguards can extend. In framing our proposals in this connection, however, we have been careful not to trench upon the legitimate rights of other communities.

Gentlemen, You are all familiar with the scheme of safeguards for Muslim interests which has been repeatedly and unanimously put forward by the leaders and representative bodies commanding the confidence of the community. Some of these safeguards would afford equal protection to all communities, others are based upon considerations which are not primarily of a communal nature and the balance are designed to secure the protection of matters held dear by the community or such vital interests as are bound to affect the future prosperity and well-being of the community.

Under the first head would fall the demand that the constitution should contain a clause defining fundamental rights such as freedom of profession, practice and propagation of religion, education, language, articles of food, cultural and social usages, etc. and that it should devise means whereby these matters may be fully safeguarded. This is a matter with regard to which there can be no possible difference of opinion and its consideration need, therefore, detain us no longer.

The demands that the North-West Frontier should be raised to a status of political equality with the other provinces of India and that Sind should be separated from Bombay and should be constituted into a Governor's province under a constitution similar to that which may be introduced in other provinces fall under the second category. As regards the first of these demands, the position is that the Prime Minister in his statement of Dec. 1, 1931, has announced that the North-West Frontier Province shall under the new constitution enjoy a status similar to those of other British Indian provinces, subject only to 'due requirements for the defence of the Frontier'. It is earnestly to be hoped that the operation of this last condition shall be confined within the narrowest possible limits. The Prime Minister has further announced that the provisional decision to postpone further advance in the provinces till the framing of a scheme for the whole of India shall not operate so as to prevent the North-West Frontier Province being immediately raised to the position which is occupied by the other provinces under the present constitution. We understand that steps are being taken so as to bring about this result but we must impress upon the Government the necessity of proceeding in the matter with the utmost despatch so that peace may speedily be restored to that province where very unhappy and disturbed conditions have unfortunately prevailed during the last two or three years. Let us hope that this consummation so earnestly to be desired shall not be delayed on the pretext that lengthy enquiries may be necessary for the purpose of settling such matters as franchise qualifications for municipal and district board electors for elections to the Legislative Council of the province.

As regards the separation of Sind from Bombay, no definite announcement has unfortunately yet been made and the Prime Minister's statement on the subject made on the 1st December, 1931 carried the matter no farther than the decision arrived at at the end of the first session of the Round Table Conference. We insist that the matter of the separation of Sind from Bombay should be placed beyond doubt and that steps be taken immediately to enable Sind to start as a separate province simultaneously with the introduction of the new constitution in the other provinces. Under the same category falls the demand that a suitable scheme should be devised to enable Baluchistan to enjoy a representative form of government.

It has also been agreed that Muslims as well as other minorities shall receive a fair and adequate share in the public services of the country. We realise that a general declaration of this kind may not in practice prove a sufficient safeguard for it at least amounts to a recognition and acceptance of the claims made by the minorities and should serve as a reminder to those to whom the task of recruitment to the public services of the country may in future be entrusted. It also sets a standard of conformity which may be insisted upon by the minorities both at the Centre and in the Provinces.

As regards the quantum of representation to be allotted to the Muslims in the Federal Legislature as well as the Legislatures of the different provinces, the Muslim position has throughout been perfectly clear. They demand representation to the extent of one third in each chamber of the Federal Legislature, the continuance of the quantum of representation at present enjoyed by them in what are known as the minority provinces—namely, the United Provinces, Bombay, Assam, Bihar and Orissa, Madras and the Central Provinces—subject to any subsequent revision of those proportions where owing to some cause or the other the proportion of various communities in the population has undergone a sensible modification, the principle applicable in all cases being the same upon which the present proportions of representation are based. In the Legislatures of the Punjab and Bengal, the Muslims claim representation in accordance with their proportion in the population. On the other hand in the North West Frontier Province and Sind the Muslims are willing to concede to the non-Muslim communities weightage on the same principles on which weightage is being enjoyed by the Muslims in the minority provinces.

The difficulty that is being experienced with regard to the representation of Muslims in the Federal Legislature is a part of the general question of the method of election or appointment of the members of the Federal Legislature and arises in connection with the proportion of Muslim representatives from the Indian States. The suggestion which seemed to have met with the largest amount of support was that 25 per cent of the total strength of each Federal Chamber should be returned by British Indian Muslims and that 7 per cent of the total strength of each chamber should be Muslims nominated by the Federating Indian States in pursuance of a convention which may be agreed to by all parties.

The main dispute centres round the question of the amount of representation to be allotted to the Muslims in the Legislatures of the Punjab and Bengal, but before I go on to make some general observations relating to the whole question of the quantum of Muslim representation in the various Legislatures I must add that the question of the method of election of Muslim representatives is one of equal importance with the question of amount of representation and that although there has been a dissentient voice here and there, there can be no doubt that an overwhelming preponderance of Muslim opinion insists upon the retention of the present method of representation through separate electorates and it would be convenient to discuss both these subjects together.

The past experience of Muslims in the country has taught them that for the safeguarding of their rights and interests they must insist upon legal and constitutional guarantees and that a mere trust in the good-will and sense of fair dealing of other communities would not be of any avail to them in this connection. It is extremely unfortunate that this should be so and, however desirable it may be that the various communities which form the population of this country learn to trust each other and to respect each other's legitimate rights, aspirations and interests, we must face the situation as we find it and so long as the attitude of the majority community in the country does not undergo such radical changes as to create a sense of complete security and confidence in the minds of the members of the minority communities, the latter must insist upon their rights and interests being

safeguarded in a manner and to an extent which appear to them to be suitable and necessary. Viewed from a larger and broader point of view the Muslim claim is not only reasonable but is extremely modest. The Muslim position is that given these safeguards they are willing cheerfully to accept the rule of the majority community in the minority provinces as well as at the Centre. No greater guarantee of good faith could be required from them. On the other hand, they are naturally anxious that in provinces in which they constitute a majority of the population they should be given as large an opportunity of making their contribution to the common culture and common civilisation of India as would be enjoyed by the majority community in the greater part of the country. They also desired that they should be placed in a position which should afford them equal opportunities of service to the land of their birth.

Another essential feature of the scheme of safeguards for Muslim interests is the demand that the method of election of their representatives through separate electorates which has had the sanction of statute in this country during the last 10 years should be continued till such time as the Muslims themselves feel that this safeguard is no longer necessary. It is sometimes objected that such a system runs counter to the principles of democracy.

The present situation however is that in spite of our best efforts and in spite of the best interests of the country urgently requiring it, the majority community has not so far signified its acceptance of demands and the course which the negotiations followed during recent years convinces us that that community has no intention of accepting our demands. The door of negotiations has been shut in our face. Under these circumstances a heavy responsibility lay upon the British and the Indian Governments to settle this question but equally unfortunately these Governments have so far failed to face this responsibility.

It is, therefore, extremely to be desired that Government should forthwith announce its decision on this question so that earliest attention may be devoted to the solution of other constitutional questions that still await a decision. We have repeatedly been assured of the sympathy of Government with the Muslims as well as other minorities and their anxious desire to safeguard and secure the position and interests of the minorities. As a proof of these professions we demand that Government should immediately shoulder the responsibility which it can no longer evade and thus put an end to the present state of mistrust between the communities.

Referring to the situation in Kashmir he observed :—

The affairs of the Muslims of Kashmir have now arrived at a stage where if the situation is handled with wisdom and discretion the best results may be expected to ensue. The best generalship consists not only in knowing and planning how and when to start a campaign but also in realising when to call a halt. A lack of this quality has often turned prospective victory into an actual defeat. The initial demands for independent inquiry into the political grievances and disabilities of the Kashmir Muslims and into the atrocities committed upon them during the course of their gallant struggle for justice and fair treatment have been conceded and the two commissions are proceeding with their respective enquiries. The efforts of the All-India Kashmir Committee and the Ahrar have served to focus the attention of the peoples and the Governments of India and Britain upon the affairs of Kashmir and the stage has now been reached where all our efforts must be directed towards rendering to the Muslims of Kashmir such legal and financial assistance as may enable them to place their case fully and to the best advantage before the commissions of enquiry. Efforts which continue to be directed in other channels can lead to no useful results whatever and may result in certain harm. I would therefore appeal for a calm reconsideration of the whole situation and for a co-ordination of all efforts towards directions in which they may be expected to yield the most beneficial results.

The next question that urgently claims your attention is the alarming increase of revolutionary and anarchical crime in the country of which we have witnessed such terrible instances within the course of the last few months. Every one of us must fully realise the gravity of the consequences to the peace, prosperity and future progress of the country if this wave of violent anarchy is not immediately checked in its course. We must take active steps to combat the forces of anarchy, terrorism and disorder and do all that in us lies to keep the fair name and honour of our country unstained and unsullied by such dastardly and inhuman crimes.

## PROCEEDINGS AND RESOLUTIONS

SECOND DAY—27th, DECEMBER 1931

### ALTERATION IN CONSTITUTION

The 2nd. day's session of the League reassembled on the 27th. DECEMBER, at Khan Sahib Nawab Ali's house in New Delhi. The audience was thinner than yesterday. The House first took up the question of amending the constitution of the League as recommended by the Sub-Committee appointed at the last session.

The most important change which was adopted related to the object of the League. So far its object had been defined as "the attainment of Swaraj for India by all peaceful and legitimate means." The Sub-Committee had suggested that this be changed to "the attainment of full Responsible Government for India by all peaceful and legitimate means, with adequate and effective safeguards for Mussalmans."

Dr. Jung of Allahabad suggested the retention of the word "Swaraj" while Mr. Sabri of Delhi wanted the substitution of "complete independence." Both the amendments were rejected by a large majority, only a couple of members voting for them. The amendment suggested by the Sub-Committee was adopted.

Another change now incorporated conferred membership of the League on every adult Mussalman who signed adherence to this creed, and paid one rupee yearly as subscription. Like the Indian National Congress, the President of the League will hold office for one year in future, and will be the head of its Executive, which now will consist of a Council and a Working Committee, instead of a Council only.

The membership of the Council was enlarged, and the new body, the Work-Committee, will be composed of 23 members and meet once a month. As in the case of the All-Parties Moslem Conference, all Moslem members of the Central Legislature will be ex-officio members of the Council.

The quorum necessary for the annual session was reduced from 75 to 50.

The office of Permanent President of the League was abolished.

### THE PREMIER'S STATEMENT

The following resolution, moved by *Mian Ahmed Yar Khan* and supported by *Moulvi Mazharuddin* and *Syed Hafeeb*, was then adopted after minor amendments moved by Dr. Jung were thrown out :—

"The meeting of the All-India Moslem League, having carefully considered the statement of the Prime Minister made at the Round Table Conference on the 1st December :

(a) places on record that the Government should be urged to make definite announcement that the future constitution of India shall embody such safeguards for Mussalman interests as are considered necessary and adequate by the Moslem community itself :

(b) places on record its regret that the provisional decision of the British Government to defer the introduction of full autonomy in the provinces till the framing of All India constitution, and urges on the Government the necessity of immediately placing the provinces in a full autonomous and responsible position :

(c) places on record its disappointment at the failure of the British Government to make a definite announcement that Sind be constituted into a separate province, and demands that an unconditional announcement be made forthwith :

(d) reiterates its considered opinion that no constitution would be acceptable to the Mussalmans, unless it secures and guarantees to them :

freedom of profession, practice and propagation of religion, education etc :

representation to the extent of one third in each chamber of Federal legislature :

representation in the legislatures of the provinces where Moslems are in minority in accordance with the proportion of representation at present enjoyed by them in the provinces :

representation in the legislatures of the Punjab and Bengal in accordance with their proportion in the population of those provinces :

a fair and adequate share in the Services and grants-in-aid :

the vesting of residuary powers in the Federal units.

## FRONTIER REFORMS

The next three resolutions, which were adopted unanimously, related to the North-West Frontier Provinces. The first of these urged upon the British and Indian Governments, the necessity of giving immediate effect to the Premier's announcement in regard to Reforms in the Frontier Province.

The mover *Syed Habib* held that the original refusal to grant Reforms to the Frontier was designed to divide the Hindus and Mussalmans. He told the House that the efforts of Sir Fazl-i-Hussain had a great deal to do with the Premier's announcement, and the resolution, if adopted, would prevent the Government from delaying matters.

*Mr. Hussain Imam*, of the Council of State, said that the question of the grant of reforms to the Frontier was an All-India demand including that of the Congress.

The next resolution asked the Government to give immediate effect to the recommendations contained in the Frontier Regulations Enquiry Committee Report.

*Sir Mahomed Yakub*, moving the resolution, referred to the inhuman characteristics of the various regulations and referred to the motion for adjournment in the Assembly, which had led to the appointment of that committee. He held that as long as these regulations remained on the statute book, no amount of reforms would be of any use to the people of the Frontier.

## FRONTIER ORDINANCES CONDEMNED

The third resolution on the Frontier expressed the opinion that the Government would have acted wisely in giving the people of the N. W. F. Province a full opportunity to consider the recent announcement of the Chief Commissioner regarding the introduction of Reforms in the Frontier and of shaping their future policy in view of that announcement and that the Government had acted with undue haste in promulgating special Ordinances in that province, and urged upon the Government the desirability of withdrawing those Ordinances in order to promote a suitable atmosphere of goodwill, for the successful working of the new constitution of the province.

The resolution was moved by *Dr. Jung*.

## THE FRANCHISE COMMITTEE

The League, by another resolution, expressed satisfaction at the recent announcement of the Secretary of State, that definite instructions would be given to the Franchise Committee not in any way to attempt to interfere with the system of separate electorates wherever it was in operation at present.

*Mufti Mahomed Sadique*, moving the resolution, said that when they had such things as water and food for Hindus and Mussalmans separately on Indian Railways, it was also necessary to have separate electoral rolls.

*Dr. Jung* moved an amendment, to the effect, that in case a statutory majority for Mussalmans could not be achieved in the Punjab and Bengal, the League should be empowered to negotiate if it would be possible to secure higher representation through joint electorates.

*Mr. Zafarullah* remarked that if this alternative was placed before them by the Congress, by the Sikh League and the Hindu Maha Sabha, they might give it due consideration. The amendment was rejected, only two voting for it.

## DISAPPROVAL OF "NO-RENT" CAMPAIGN

The House then considered two resolutions, one relating to the No-Rent campaign and the other to the Terrorist movement in India.

By the first, the League viewed with the greatest concern the movement set afoot in certain provinces inciting tenants to refuse to pay rents, as calculated eventually to upset the principles of private property and to bring about a state of disorder and lawlessness in the country. The League expressed strong disapproval of all such movements.

*Chowdhury Mahomed Shariff*, moving the resolution, detailed some of the dangers of such movements, and urged upon the audience to express its strong condemnation of the system of direct action. The opposition was led by *Mr. Hussain Imam* who held that Zamindars were blood-suckers. He felt that such movements, which really helped the tenants, should not be opposed.

Another member from the audience attributed communal motives to the Congress, and said that the movement was started in the United Provinces because a majority of the zamindars in that province were Mussalman.

The resolution was carried.

#### TERRORISM CONDEMNED

The next resolution ran : "The League expresses its strong condemnation of the Terrorist movement culminating in dastardly and outrageous crimes, and appeals to all sections of Moslem society to put forth their best efforts to combat such activities."

*Sir Mahomed Yakub*, moving the resolution, said that the shedding of innocent blood was against Moslem culture and religion, and exhorted the audience to keep aloof from such activities which were bound to retard the progress of the country.

The resolution was supported by *Mr. Ali Mahomed*, and carried unanimously.

#### SYMPATHY WITH KASHMIR MUSSALMANS

The next resolution related to Kashmir and expressed the deepest sympathy with the position of the Mussalman in Kashmir.

The League placed on record its sense of satisfaction at the practical proof given by Mussalman of India of their common brotherhood with the sufferings of the Kashmir Mussalman and hoped that the gallant struggle which was being carried both in and outside Kashmir would speedily result in securing for Kashmir Mussalman their right of citizenship and humanity, for which such enormous sacrifices had been made.

The resolution was moved by *Maulana Mazharuddin* and carried.

The League empowered the President, *Chowdhury Zafarullah Khan*, the Honorary Secretary, *Sir Mahomed Yakub* and the two joint Secretaries, *Messrs. S. M. Abdullah* and *Mirza Hussain*, to negotiate with the Working Committee of the All-India Moslem Conference, with a view to amalgamating the two bodies, with instructions that the Subjects Committee should submit a report to the Council of the League. The Council was authorised to take such steps as might be necessary to give effect to the proposals for amalgamation and to frame a constitution of the united organisation.

Three more resolutions in regard to the needs of Delhi Mussalman were adopted before the House adjourned *sine die*. These resolutions urged upon the Government to grant adequate representation to Delhi Muslims on the various local bodies of the province, as also in the Central Legislature, and opposed the extension of the Delhi province which the League considered detrimental to Moslem interests.

Before the session adjourned *sine die*, *Sir Mahomed Yakub* offering thanks, referred to the anti-Zafarullah demonstrations yesterday, and severely criticised all those who were responsible for it. He asserted that, despite all agitation, the session was a unique success in the League's history and showed an unprecedented attendance of the members of the Council.

*Chowdhury Zafarullah*, in his closing remarks, said that opposition to his presidency had infused fresh life into the League. He expressed unbounded faith in the future of Islam in India.

## The All India Muslim Conference

ALLAHABAD—9th. JULY 1931

A meeting of the Executive Board of the All-India Muslim Conference was held at Allahabad on the 9th. July 1931. *Nawab Muhammad Ismail* of Meerut presiding. The press was scrupulously excluded from the meeting, but the resolutions said to have been recorded by the Board were available for publication. The following are among the resolutions passed :—

#### CONGRESS FORMULA UNACCEPTABLE

Whereas the formula devised by the Working Committee of the Congress for the purpose of communal settlement seeks to deprive the Indian Mussalman of the right

of electing their own representatives to the central and provincial legislatures through separate electorates which they enjoy under the existing law, in disregard of the strong views of an overwhelming majority of the Mussalmans of India, and

Whereas the formula in question does not secure majority to the Mussalmans in those provinces (viz., the Punjab and Bengal) where they are in a majority and

Whereas the formula entirely ignores the unanimous demand of the Indian Mussalmans for a 33½ per cent representation in the central Legislatures; and

Whereas the formula in question seeks to deprive the Muslims in the provinces in which they constitute a minority in the population, of the weightage they enjoy at present and the continued enjoyment of which is essential for the protection of their vital interests, the so-called privilege of contesting additional seats being in no way a substitute for that weightage on account of the overwhelming character of the non-Muslim majorities in those provinces; and

Whereas clause 1 (c) of this formula proposes to invest the central Government, with its permanent and unalterable Hindu majority, with jurisdiction over provinces ostensibly for the protection of the minorities but which in fact would place even the Muslim majorities in five provinces at the mercy of the central Government; and

Whereas the apparent recognition in the formula of the right of the constituent units of the proposed All-India Federation to have residuary rights vested in them is qualified by a condition which makes that recognition unreal as well as changeable; and

Whereas the formula does not in explicit terms recognise the right of the Indian Mussalmans to their legitimate share in the central cabinet as well as in the cabinets of the provinces in which they constitute a minority of the population, which right has already been recognised at the R.T.C. in London; and

Whereas the question of separation of Sind from the Bombay Presidency and its constitution into a separate province has already been agreed to, yet the Congress has made it an open question and subjected it to conditions which will make separation almost impossible; and

Whereas no proper and adequate safeguards have been devised for the protection of personal laws, religion and religious rites and cultural autonomy besides a mere declaration to the effect; and

Whereas the Congress formula whittles down the Muslim demands with regard to the recruitment of public services in the country.

The Executive Board of the All-India Muslim Conference unhesitatingly declares that the said resolution is not and cannot be acceptable to the Mussalmans of India.

#### NEED FOR MUSLIM ORGANISATION

Whereas the Indian National Congress has been conceded the right to nominate its own delegates to the R. T. C. and the All-India Muslim Conference has been denied a similar privilege; and

Whereas the nomination to the R. T. C. of one of the members of the nationalist Muslim party, which is but a part and parcel of the Congress and is in no way the representative of Muslim India, has been made with a view to break up the solidarity of the Muslim delegates to the R. T. C.; and

Whereas the pronouncement of the Prime Minister has created an impression that the attitude of the British Cabinet is unsympathetic towards the Muslim demands; and

Whereas the convening of the Federal Structure Committee before the Minorities Committee is detrimental to the interests of all the minorities and against the recognised canons of constitutional usage; and

Whereas for the foregoing reasons it would be inadvisable for the Muslims to entirely pin their faith on the R. T. C. for an equitable settlement of their legitimate demands,

The Executive Board of the All-India Muslim Conference calls upon the Muslims so to organise themselves that they may be prepared to make all sacrifices and adopt all necessary methods for the enforcement of their demands.

#### INSTRUCTIONS TO R. T. C. DELEGATES

The Executive Board of the All-India Muslim Conference urges upon the Muslim members of the R. T. C. to insist that the Minorities Committee should meet before the Federal Structure Committee, and if this demand is not acceded to, then to ab-



stain from participation in the resumption of the work of the Federal Structure Committee.

The Executive Board of the All-India Muslim Conference, while disapproving the method of choosing delegates to the R. T. C. considers that the Mussalmans of Bengal who form one-third of the Muslim population of India have been inadequately and insufficiently represented at the R. T. C. whose representation was essential.

#### KASHMIR AFFAIRS

The Executive Board of the All-India Muslim Conference regrets that H. H. the Maharaja Bahadur of Kashmir has not given consideration to the representation made by the Secretary on behalf of the Working Committee and it approves the formation of the All-India Kashmir Committee for the purpose of protecting the rights and interests of the Mussalmans of Kashmir and is prepared to extend support to that committee and appoints Maulana Hasrat Mohani, M. Mazhar Uddin, Maulana Abdul Hamid, Shah Maswood Ahmad, Syed Zakir Ali, Maulvi Karam Ali and Maulana Abdus Samad Muqtedari to cooperate and help the Kashmir committee in its work and requests the committee not to arrive at any decisions without consulting the above persons.

The Executive Board of the All-India Muslim Conference accepted the invitation of Maulvi Maswood Ahmad on behalf of the Bihar Provincial Conference to hold its annual session at Patna under the presidentship of Maulana Hasrat Mohani.

## The All Bengal Muslim Conference

Dacca—11th. & 12th. JULY 1931

The All Bengal Muslim Conference was held at Dacca on the 11th. and 12th. July 1931 under the presidency of Dr. Shafaat Ahmed Khan. Welcoming the delegates the *Nawab of Dacca* as the Chairman of the Reception Committee, appealed to the Congress and the Hindu leaders, who are true Nationalists, to give a definite and frank reply to the demands of the Mussalmans so that they might know once for all whether there was any possibility of Hindu-Muslim unity based upon honourable and enduring mutual agreement. He would request the Hindu leaders to consider this fact that great harm was being done to the country as a whole by their unwillingness to accept the just demands of Muslims. Rightly or wrongly there was a suspicion in the minds of the majority of Mussalmans that their legitimate rights would not be safe unless they elected their own representatives, and this suspicion could not be removed by mere words or promises. In the interest of the community and the country, it was imperative that the Mussalmans should unite and organise themselves and consolidate their power. This would not only ensure for themselves an honourable existence in the country but would also help the growth of nationalism in India. "When we Mussalmans become united and organised, the settlement of the Hindu-Muslim question on the problem of electorate will not take more than a day." The Nawab suggested the establishment of organisations in every sub-division if not in every village in Bengal with a definite programme of constructive, social, educational and political work.

#### Presidential Address

In the course of the presidential address, Dr. Shafaat Ahmed Khan said :—

"The policy of the Muslim delegation to the Round Table Conference is clear as crystal, and the attempt of Dr. Ansari to misrepresent our attitude has failed completely. I do not wish to deal with the statements of the Doctor *seriatim*. Everyone who studies that remarkable address must be surprised at the hopeless confusion and lack of clear thinking on the subject. Nor have I the time to discuss the chequered history of the so-called Muslim Nationalist Conference. The term Muslim Nationalist is a libel on our community. Every Muslim is a nationalist. His religion is the quintessence of nationalism. Islam is the only religion which has raised nationalism to the fundamental position of a sacred dogma. Nationalism is the

breath of our nostrils, and the source and inspiration of our energy. I am, therefore, astonished at the policy of a small and microscopic minority which appropriates an essential dogma of our holy religion to its own use, for its own purpose and flaunts it as its chief stock-in-trade, the grand and glorious label which marks it completely off from the common herd. A more presumptuous and preposterous proposition it would be difficult to meet. The beginning and end of the party is soon told. It originated in Lucknow on April 20, this year and disappeared in about 2½ months. It is like an aloe that blooms once in a hundred years. The policy of the Muslim Nationalist party is like the bloom on the peach: you touch it, and it is gone. Where is the party now? Nowhere! The exact, minute and detailed accounts of its branches and activities may be found in the secretariat of the Indian National Congress, but so far as Muslims of India are concerned they exist only on paper. In my own province, there was feverish energy on the part of the General Secretary of the National Congress. It is not yet clear whether he was acting as General Secretary of the Congress, or as the Organising Secretary of the Muslim Nationalist party, when he published in the hospitable columns of Hindu papers picturesque accounts of his hurricane campaign. How did the various provinces deal with the new party? Why it has disappeared from every province, and nobody now knows its existence.

Proceeding, the learned Doctor declared that separate electorates were 'a settled fact' and that all the agitation against it had 'knit up and welded the community.' Then he referred to Indian Nationalism in the following words:—

'What, after all, is nationalism? Have these gentlemen ever paused to consider the implications of their catchword? Where is nationalism in India at the present day? The Congress, of course, preaches it from the house-tops. It recites the formula with the pitiless monotony of a pneumatic drill. The phrase projects from the Congress armoury of words like turrets from a Gothic building. It is a fiction of the coarsest texture, and the gentlemen who pride themselves on the possession of this quality are hunting the shadow in water. There is no more nationalism in India at the present day than there is democracy in the councils of the Congress. To them nationalism means the exercise of unlimited, unquestioned and absolute power. At its worst, it implies the monopoly of all power by a small clique in the Congress and the exercise of this power by methods which are questionable and which have been frequently condemned by every sensible person in India. This is the sum and substance of the dogma as actually practised. Everyone will recognise both these categories of nationalism without the least difficulty. It was the exercise of this power by the Congress that produced the horrible massacre of Cawnpore. While it is the exercise of this power that is now producing an epidemic of leaders, leaderettes, semi-leaders, and leaders *in esse*. Everyone knows how power is exercised in Bengal by the Congress. Nobody can notice the least difference between the principles of the party led by Srijut Sen Gupta and that of which Srijut Subash Chandra Bose is the passionate head. If the ablest astronomer used the most powerful telescope in the world he would find little difference between the political programme of Mahatma Gandhi and that of Mr. Subash Chandra Bose. Their methods may be, and are different, but their programme is essentially the same. The whole of Bengal is flooded with firmans, ukases, and every species of denunciation which descend on the devoted heads of Bengalee politicians like an avalanche in the mountains of Luzerne. Is this fight carried on for the development, growth and perfection of nationalism in India? Are the personal rivalries of head, deputy and assistant dictators in the Punjab, Sindh, Bombay and Delhi the result of a beatific vision of the spiritual merits of nationalism? Are they not a crude, gross, palpable and blatant expression of that lust for power which is manifested in so many forms and shapes on countless occasions?'

On the question of responsibility in the Centre the learned Doctor said:—

Our next demand is for the retention of separate electorate, which our community enjoys by the law of the land. This question has been settled by the Round Table Conference and paragraph 16 of the Report of the Minorities Sub-Committee expressly declared that, failing an agreement between the two communities, separate electorate must be maintained. On this question it is quite impossible for Muslims to make any concession, for upon it depends the political existence of a community of seventy millions. We want our share in the political power of Bengal. We have been deprived of our legitimate and natural right by an amount of representation which is as unjust to Bengal Muslims as it is unfair to Muslim India as a whole. It is said by Congress leaders who refuse to face facts that all the rights to which a

minority can aspire are cultural rights. Our reply is that we are not a minority in Bengal and are justified in claiming our representation in the provincial legislature by separate electorate in proportion to our population. We do not desire more; we will not be content with less. We cannot afford to be a permanent, and perpetual minority not only in the centre but also in every province. We are anxious, nay keen, on the advance of our Motherland. On no single occasion, in no place, have we said anything against the movement for the constitutional progress of India. In every struggle that has been waged for this object we have taken the foremost part. We did so, not because we wish to establish an unmitigated autocracy in the centre as well as in the provinces, but because the new constitution will stand with a nice equipoise, with steep precipices and deep waters upon all sides of it. In removing it from a dangerous leaning on one side there may be a risk of overturning it on the other. The balance of our constitution must not be disturbed, and it will most certainly be disturbed if we level down all privileges, powers and rights of every province and reduce them to the position of local bodies, helpless, dependent, impotent, and weak. The central Government will be like a sea of spiritual protoplasm, capable of following in all directions of engulfing every object in its path, of tricking into every crevice, filling every mould, and, having engulfed, having filled, of flowing on towards other obstacles, other receptacles, leaving the first empty and dry. The amoeba when it finds an object, flows round it, incorporates it, and oozes on. Many of our nationalist friends desire an amoeboid central government. Separate electorate is to us the foundation of our political existence. Once it is taken away, the community will be represented by the Karindas, Mukhtars, servants, and hirelings of Hindus, with Muslim names, and non-Muslim sympathy, interest, convictions, and obligations. Cultural safeguards without representation of our community in the legislatures through persons who enjoy our confidence are barren, futile and useless. Who is going to urge their enforcement? How will such safeguards be implemented? Obviously only through the organised will and combined efforts of our representatives in the legislatures. Will persons who owe their election to Hindu votes speak a word in favour of their co-religionists? Has it not been the sad experience of the reforms since 1921 that only a few Muslims have been elected from mixed constituencies, and those who have been successful have done little or nothing for their Hindu voters? The time for argument is past. We cannot go on arguing for ever. There is a time for argument as there is a time for decision. Our community has decided after a most careful and thorough consideration of its peculiar position in this country that separate electorate is vital to its political existence.

Concluding his address the President once more referred to the Muslim Nationalist party in the following words:—

Gentlemen, I have referred elsewhere to the principles and progress of the so-called Muslim Nationalist Party. The party launched its campaign amidst the rattling drum, the clamorous war-pipe, and far-echoing horn of the Hindu press, and the Congress leaders. An organised campaign was started, and the pages of these papers were splashed with enormous headlines. Precisely, the same tactics had been employed at the All-parties Convention which met at Lucknow, in 1928 and which passed the ill-starred Nehru Report. History has repeated itself, and the new party has followed the fate of the Nehru Report. Its meetings are confined to a handful of its supporters, and are invariably held *in conclave*. Why? Simply because the process of Muslim solidarity in India has gone forward with a noble, even epic majority, filling the whole stage of the Indian continent with movement. The threads of Muslim sentiment and Muslim political policy run unbroken to every nook and corner of the land like the nerve of a single body transmitting thought and purpose with instant precision. It is this pervasive feeling which accounts for the total failure of the new party. The difference among Muslims of various provinces have completely disappeared, and a conception of Muslim India has been evolved which has annihilated all provincial parochial and class barriers amongst us. Dr. Ansari does not know this, and if he does, he does not like to admit it.

#### SECOND DAY—12th. JULY 1931

The second day's session of the Conference met at 7-30 in the morning when the chief resolution was passed enthusiastically.

The Conference gave practically unanimous support to the Muslim demands formulated at the Delhi All-India Muslim Conference in January 1929 and re-

affirmed in April 1931. The conference emphasised the imperative necessity of separate electorate in the central and provincial legislatures and insisted on Muslims being guaranteed a majority of seats in the Bengal Legislative Council on a population basis and further expressed the opinion that any settlement which reduces the majority would never be accepted.

Another resolution urged the strengthening of Bengal Muslim representation at the Round Table Conference whilst another called for statutory fixation of the proportion of Muslims in the Bengal Public Services.

The main resolution, which was moved by Khan Bahadur Azizul Haque, pointed out that Muslims were willing to abolish separate electorates immediately if that was possible but they realised such an action was impossible under the present condition. The abolition of separate electorates was dependant entirely on the outlook of this majority community.

Another resolution dealt with the various local and provincial questions.

The speakers at the conference concentrated their main attention on outlining to the delegates why they favoured separate electorates. A lively discussion ensued on this subject as leaders considered it the most important topic of the conference.

## The U. P. Muslim Conference

ALLAHABAD—8th AUGUST 1931

The session of the United Provinces Muslim Conference was held at Allahabad on the 8th August 1931 under the presidency of *Maulana Shaukat Ali*.

Several members of the Muslim community, chiefly those who were members of the Provincial and Central Legislatures, and of the Council of State arrived from places beyond the United Provinces in order to attend the Conference. Prominent among those present at the conference were besides the president, Mr. M. A. Jinnah, Mr. Husain Imam, Raja of Salempur, Hafiz Hidayat Hussain, Maulvi Nisarulla, Mr. Sahmat Khan, Maulana Abdul Khair, Maulana Shafi Dacodi, Nawab Mehdi Ali Khan, Mr. Muhammad Sadiq, Nawabi Abdul Hafiz, Mr. Mufti Sadiq Ali, Raja Syed Ahmad Ali Khan, Syed Aizaz Rasool, Captain Sher Muhammad, Nawab Muhammad Ismail Khan, Mr. Masood Ahmad, Mr. Zakir Ali, Dr. Shafaat Ahmad, Haji Syed Muhammad Hussain, Syed Zahur Ahmad, Maulana Vilayat Husam, Mr. Zulfikarullah and Nawab Muhammad Yusuf, Minister of Local Self-Government of the United Provinces.

The Conference opened at about 8 p.m. In the course of his observations as Chairman of the Reception Committee, Dr. Shafaat Ahmad Khan referred briefly to the recent situation in India, reiterated his view that the Delhi resolution of the All-India Muslim Conference was the minimum demand of the Muslim India and also hinted at the situation in Kashmir, which, he alleged, was critical and was such that it called for concerted action on behalf of Muslim organisations outside the state.

### Presidential Address

*Maulana Shaukat Ali* spoke for about half an hour, extempore, in vernacular, but prior to his speech, he handed over to the press typed copies of a statement, which he described as his presidential address. Several points contained in that statement were touched by him in his extempore speech.

In the course of his extempore speech the Maulana emphasised the need for the Muslims to organize themselves, to collect funds for the service of the community and to encourage Muslim industries and Muslim trade by making purchases from Muslim shops. The following is a summary of the presidential address which the Maulana handed over to the press :—

'We can do nothing if we are not united and put all our united strength in the constructive programme we have before us. I consider this branch of work more important than anything else that we can do at this juncture.

Since I saw clearly the working of the minds of the Congress leaders in Bombay, I have hardly any hope left in them for cool thinking or any wise solution of our problems. I regret Dr. Ansari and other Muslim friends in the Congress are apparently in a mess from which they cannot get out. On the invitation of Mr. Gandhi I went to see him and at his request spoke before the Working Committee also. I was given to understand that he and the Congress Working Committee realised the importance and seriousness of the situation, and would meet our wishes in a courageous and generous spirit. But I found that they gave us a big piece of stone instead of a small loaf of bread that we had asked for and this piece of stone was an old friend very familiar to us, during the last three years. Our good old friend the Nehru Report which was supposed to have been buried deep in the Ravi at Lahore was brought into life again. The Congress can keep it. The Muslims have no need for it. Therefore, it is more than necessary for us to sink our petty differences, forgetting even the Round Table Conference; and devote all our energies in improving the internal condition of our Muslim brethren in all corners of India. In spite of what our Muslim Congress friends and old co-workers say about their strength in the country, those who work day and night with the Mussalmans—as I do know very well that the number of their supporters though very loud and vocal is so small that they hardly come up to one or two per cent of the whole population of Muslim India. Some body rightly remarked that there were more shepherds than sheep in that group. I wish them luck with all their intelligence. They have been wandering in the wilderness for three years and I have no doubt that before long they would realise that they have been made a cat's paw by Mr. Gandhi and their Congress co-workers. I have seen with my own eyes that even the best of them have no position in the Congress and even men of Dr. Ansari's position do not count much because he gave them many a time honest advice, for peace and good-will, but apparently the more useful and easily influenced opinion of Maulana Abul Kalam Azad carries more weight in the Congress Working Committee than the group headed by Dr. Ansari who still commands respect for his personal character, courage and honesty, though his views do not find many supporters amongst the Muslims in the country. There is not the least doubt that an overwhelming majority of Mussalmans stand by the demands of the All-India Muslim Conference formulated at Delhi.

The last three years have unfortunately separated Hindus and Muslims a great deal and there is no doubt that the two big communities have no confidence in each other. The recent sad and tragic happenings in Benares, Mirzapur, Agra, Allahabad and specially at Cawnpore have made these feelings still more bitter. I am emphasising this fact for the simple reason that no one should close his eyes to the real condition of things. We must face facts and then try to find out a remedy that could cure and heal wounds.

I have tried my best as a Mussalman and as an Indian who has some love for his country, and who has also made some sacrifice for it. Why cannot the majority community which boasts that it loves its motherland and wants to gain freedom share it with all those who live in it—why can it not satisfy the demands of the Muslims, depressed classes and other minorities who are anxious about their future? Separate electorate is not such a wicked thing as they make out nor is the joint electorate such a wonderful boon as would remove all our difficulties. The question of electorate does not deserve so much importance as is being given to it to-day. Apparently Hindu majority wants to have a say in the election of the minorities. The minorities having no confidence in the majority, knowing that it had done nothing for its own kith and kin, the untouchables, for centuries, have no desire to increase the number of depressed people in the country. For this reason they want separate electorate for such time as would give them full opportunities to organise its internal position and also see clearly if there is an improvement in the generosity and good-will of the Hindu majority. What harm would happen to Hindus if the Muslim and depressed class demand of separate electorate was accepted? The Hindu majority (caste Hindus) would elect their own members. Nobody wants separate electorate for ever. It is in the hands of the majority community to show by its conduct that it wants to its utmost to win the confidence of the minorities. If they do that, they will be serving the motherland; otherwise useless self-praise and crowding of nationalism would not carry them very far. I do believe that the Muslim community, in spite of what has happened in the way of aggressive propaganda by the Congress and the Hindus and in spite of the communal riots, would be satisfied to make peace if their modest demands as formulated at Delhi

by the All-India Muslim Conference were accepted. If the Congress agrees to give Muslims ten clear years for internal organisation with separate electorate, then they would probably consent to bury separate electorate for good and accept joint electorates at first with the late Maulana Mohammad Ali's formula and when good-will and peace prevailed, drop the conditions and accept undiluted and unconditional joint electorate. To-day Muslims are quite justified in demanding separate electorates.

I have great personal sympathy with the 7 million of depressed classes and when their leaders came to see me both at Bombay and Madras, I willingly on behalf of Muslims offered them heart-felt sympathy and promised them any help that we could give them in their laudable efforts for their uplift. The caste Hindus having not done their duty by them, to-day their backward brothers have no faith in them. They also want separate electorates as they know by experience that they have no chance in an open contest against the better educated, the better organised and the more powerful caste Hindus. It is no use putting hands on one's heart and shouting at the top of voice that we are rationalists and want to give other communities a chance. An ounce of practice is better than a pound of theory. This refusal of the majority to concede to the wishes of the minorities goes to prove that they are selfish and want to keep all power in their own hands and desire to perpetuate their domination. Every one talks of surrender and blank cheques printed on 'Swadeshi paper' and written by 'Swadeshi pen', but no body really gives any such cheque and even when they do give any, they are unsigned.

To our depressed class leaders I tell frankly that Muslims are much too busy in improving their own conditions and have no designs of converting them to Islam. We want to become better and God-fearing Muslims. Therefore we have no designs on other people's faith. Islam keeps an open board on which any outsider can come in and join them by accepting the oneness of God and the Prophethood of Muhammad (God's peace be on him).

We have no high or low caste; all are here equal in the eyes of God and he who obeys his Master best and serves mankind has the highest caste amongst us. Whenever any Hindu and Christian or Parsee or Jew feels the call of faith, Islam will receive them with open arms and give them equal status. But our Quran teaches there is no compulsion in faith. To-day we gladly accept to give our depressed class brothers all help in their political and social struggle. And they have also promised to give us as much support as they take. I desire here to make the same offer to the caste Hindus and people of other faiths. Come and make an honourable peace and you will find Muslims honourable friends and companions. At the same time we want to tell all that we would not accept any subordinate position in the future constitution of India nor would we tolerate any bullying or domination.

I, along with my brother, visited England for the first time last year. When we reached there in November and I sought opportunities of interviewing responsible Englishmen, I found that they were nervous about the success of the new constitution which they were going to draft. But after working with the princes and the commoners of India they realised that India was capable and we could be trusted. When we left England after the close of the first session of the Round Table Conference in January, India then occupied a very high position in the estimation of the English people. The Gandhi-Irwin talk was a hopeful sign but what has happened since then I am afraid has hardened the public opinion in England against India. And Mr. Gandhi and the Congress alone are responsible for this change. However, you should not lose hope: England realizes that India has advanced a great deal and I am sure the different elements like Princes, Liberals, Muslims and other minorities would give solidarity to any arrangements that may be made between England and India and would guarantee peace and order and good government. England is in a mood to make peace, and it would be criminally wrong not to make every possible effort for honourable understanding and peace.

Mr. Gandhi and the Congress must realize that they are making a great mistake in not accepting the terms which the Muslims and other minorities have put forth. We have made and are making every day honest efforts for an understanding but so far have met with no success. If we do not put any united demands then British people would have to decide between us, and if they give less than what India deserves the fault would be partly theirs and partly of those who have stood against a reasonable and fair understanding. I would tell Gandhiji and his co-workers for

the last time that neither his civil disobedience movement nor his picketing of foreign cloth nor any of his work would succeed even for a week if the two great communities and the minorities do not arrive at a fair and workable understanding which in my opinion could only come if India including the states, the majority and minority communities and the British people are all satisfied and every body gets a fair and square chance.

In conclusion, I would beg of Muslims to keep the door of honourable peace open. If our 13 points are accepted the final solution about the electorates can be easily solved with the help of the late Maulana Muhammad Ali's formula—after ten years of separate electorates—which period would give us time to make up our deficiencies. We could devote all our time and resources for preparing our people to work in a way that would make our country's future certain, peaceful, and glorious.

### SECOND DAY—9th. AUGUST 1931

The second day's sitting of the Conference was resumed on the next day, the 9th August, in the morning under the presidency of the Raja of Salempore. Maulana Shaikat Ali having left Allahabad for elsewhere.

Mr. Jinnah addressed the Conference at the outset. He wanted to make it clear that he was not a delegate nor a member of the All-Parties Conference nor did he belong to the executive board of the A. I. Muslim Conference. But when he received the invitation of the Secretary of the executive board of the All-India Muslim Conference, he felt that it was his duty, as he had been putting his views before the various leaders in Bombay, both Hindus and Muhammadans, that he should come to Allahabad and put his views before the executive board. When he arrived at Allahabad, Mr. Jinnah added, he learnt that they were holding the session of the United Provinces Muslims' Conference and he was asked to be present and he accepted the invitation to be present as a visitor.

Proceeding Mr. Jinnah said: "The first thing that I wish to tell you is that it is now absolutely essential and vital that Muslims should stand united. For Heaven's sake close all your ranks and files and stop this internecine war. I urged this most vehemently and I pleaded to the best of my ability before Dr. Ansari, Mr. T. A. K. Sherwani, Maulana Abul Kalam Azad and Dr. Syed Mahmud. I hope that before I leave the shores of India I shall hear the good news that whatever may be our differences, whatever may be our convictions between ourselves, this is not the moment to quarrel between ourselves.

"Another thing I want to tell you is this. There is a certain section of the press, there is a certain section of the Hindus, who constantly misrepresent me in various ways. I was only reading the speech of Mr. Gandhi this morning and Mr. Gandhi said that he loves Hindus and Muslims alike. I again say standing here on this platform that although I may not put forward that claim but I do put forward this honestly and sincerely that I want fair play between the two communities."

Continuing further the speaker said: "As to the most important question, which to my mind is the question of Hindu-Muslim settlement—all I can say to you is that I honestly believe that the Hindus should concede to the Muslims a majority in the Punjab and Bengal and if that is conceded, I think, a settlement can be arrived at in a very short time.

"The next question that arises is one of separate vs. joint electorates. As most of you know, if a majority is conceded in the Punjab and Bengal, I would personally prefer a settlement on the basis of joint electorate. (Applause.) But I also know that there is a large body of Muslims—and I believe a majority of Muslims—who are holding on to separate electorate. My position is that I would rather have a settlement even on the footing of separate electorate, hoping and trusting that when we work our new constitution and when both Hindus and Muslims get rid of distrust, suspicion and fears and when they get their freedom, we would rise to the occasion and probably separate electorate will go sooner than most of us think.

"Therefore, I am for a settlement and peace among the Muslims first; I am for a settlement and peace between the Hindus and Mahomedans. This is not a time for argument, not a time for propaganda work and not a time for embittering feelings between the two communities, because the enemy is at the door of both of us and I say without hesitation that if the Hindu-Muslim question is not settled, I

have no doubt that the British will have to arbitrate and that he who arbitrates will keep to himself the substance of power and authority. Therefore, I hope they will not vilify me. After all, Mr. Gandhi himself says that he is willing to give the Muslims whatever they want, and my only sin is that I say to the Hindus give to the Muslims only 14 points, which is much less than the "blank cheque" which Mr. Gandhi is willing to give. I do not want a blank cheque, why not concede the 14 points? When Pandit Jawaharlal Nehru says 'Give us a blank cheque', when Mr. Patel says 'Give us a blank cheque and we will sign it with a Swadeshi pen on a Swadeshi paper' they are not communalists and I am a communalist! I say to Hindus not to misrepresent everybody. I hope and trust that we shall be yet in a position to settle the question which will bring peace and happiness to the millions in our country.

'One thing more I want to tell you and I have done. During the time of the Round Table Conference,—it is now an open book and anybody who cares to read it can learn for himself—I observed the one and the only principle and it was that when I left the shores of Bombay I said to the people that I would hold the interests of India sacred, and believe me—if you care to read the proceedings of the Conference, I am not bragging because I have done my duty—that I have loyally and faithfully fulfilled my promise to the fullest extent and I venture to say that if the Congress or Mr. Gandhi can get anything more than I fought for, I would congratulate them.

Concluding Mr. Jinnah said that they must come to a settlement, they must become friends eventually and he, therefore, appealed to the Muslims to show moderation, wisdom and conciliation, if possible, in the deliberations that might take place and the resolutions that might be passed at the conference.

Mr. Hafiz Hidayat Hussain having briefly explained Mr. Jinnah's speech in Hindustani, moved the following resolution, which he described as 'The life and soul' of the Conference:—

"The Conference of the United Provinces reiterates the resolution of the All India Muslim Conference held on April 5 and 6 at Delhi containing the Muslim demands and declares on behalf of the Muslims of the United Provinces that until these demands, which are the minimum, are fulfilled Muslims will not be satisfied. This Conference also warns the Government that if on any pretext the Muslims in any provinces are deprived of the rights which they enjoy till now and which they consider essential for their protection, the Government would be responsible for the unrest that may be caused among the Muslims by the deprivation of their rights."

Mr. Nisarullah seconded and Maulvi Mazharuddin, Maulana Hasrat Mohani and Nawab Khanqar Husain supported the resolution.

Khan Bahadur Nawab Maulvi Mehdi Hasan Rizvi moved an amendment to the effect that in the second part of the resolution giving a warning to the Government should be added after the word 'protection' and 'if the demands embodied in the Delhi Conference resolution are not accepted.'

The resolution as amended was put to the vote and passed. During the discussion on the resolution the Raja of Salempur left the chair asking Maulana Hasrat Mohani to preside and at that stage large number of the audience also left with the result that when the resolution which was said to be the life and soul of the Conference, was put to the vote, the attendance at the Conference had fallen considerably.

The Conference was adjourned at this stage at about 11-30 a. m. and the business was resumed at about 8 p. m. under the presidentship of the Raja of Salempur and concluded after a brief sitting for about an hour.

At its concluding sitting the Conference recorded a condolence resolution on the deaths of Maulana Muhammad Ali, the Maharaja of Mahmudabad and Pandit Motilal Nehru, and another recommending to the All-India Muslim Board that the Muslim representatives attending the Round Table Conference be warned that nothing less than the demands embodied in the resolution of the All-India Muslim Conference passed in January, 1929, would be acceptable to the Muslims of India.

Another resolution urged that the Muslims should organise themselves without further delay in order to be able to protect their rights and with this end in view the Conference constituted a committee of the following members to frame a programme of work, to tour in the districts to organise the Muslims, to open branches of the Conference in each district and to enlist volunteers:—



The secretary and the president of the United Provinces Muslim Conference, Maulana Abdul Majid, Syed Muhammad Husain, Maulana Mazharuddin, Mr. Zahur Ahmad and Maulana Hasrat Mohani.

The Cawnpore sign board controversy was the subject matter of another resolution recorded by the Conference. The Conference viewed with grave anxiety the situation created by the sign board controversy and protested against the district authorities for not removing the sign board. The Conference believed that the official indifference in the matter was due to the fear of the majority community. The Conference, therefore, urged that the authorities should take steps to remove the sign board without further delay to enable the Muslims to bury their tazias and thus furnish a proof of justice and fair play on their part.

At the conclusion of the sitting the president (Raja of Salempur) and Syed Zahur Ahmed, the secretary of the Reception Committee, thanked those who had helped in the organisation of the Conference.

At none of the meetings held in connection with the conference was the audience even a thousand. According to an office-bearer of the reception committee arrangements were made for about 600 seats and although admission was by means of tickets, there was in reality no strictness in respect of admission so far as Muslims were concerned. Even then on no occasion were all the seats full.

When the resolutions were discussed the attendance was hardly about 200 and it fell down to about 100 only at the concluding meeting of the Conference. Even when the very first resolution about the Muslims' demands, which was described as the life and soul of the Conference, was moved the number of audience had considerably fallen many having left the meeting in the midst of discussion on the resolution.

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## The U. P. Nationalist Muslim Conference

The United Provinces Nationalist Moslem Conference was held at Meerut on the 18th July 1931 under the presidency of Dr. Syed Mahmood, who requested Dr. M. A. Ansari and Maulana Abul Kalam Azad to address the gathering before he delivered his presidential address.

Dr. Ansari in the course of his speech briefly referred to the lead given to the country by the Nationalist Moslem party regarding the solution of the Hindu-Moslem-Sikh question and the part played by the representatives of the Nationalist Moslem party in hammering out the resolution passed by the Congress Working Committee recently held at Bombay. He pointed out the salient features in the resolution and showed how it was identical with the resolution passed by the Nationalist Moslem Conference held at Lucknow. He pointed out the advantages to the Mussalmans in particular and to the masses of people in the country in general of universal adult suffrage. He emphasised absolute justice and fairness of such wide franchise to the people of India when they were demanding complete responsible government. He particularly pointed out how unfair any franchise based on economic grounds would be to the poorer classes and masses when no such distinction was made at a time when recruitment was made for the defence of the country except physical fitness and the fact of the person being of adult age. Neither would it be fair to the womanhood of India which had risen to a height in the last struggle for the freedom of the country hardly maintained in any other country at a moment of countrywide national crisis. Opponents of adult franchise had not the courage to do so in an open manner. They resorted to such feeble objections as mechanical difficulties of unwieldy electoral area, purdah system, and the most ludicrous of all objection, namely, discrepancy in the adult population of the Moslems, compared to the other communities. He showed inconsistencies in their demand for complete responsible government on the one hand and their hesitancy in undergoing expense and trouble in making suitable arrangements for the voting of men and women voters on the other hand. If Moslem women could vote with ease and conform in Egypt keeping their veil on in special booths managed by women so could Indian women. Adult franchise was the only effective

method of giving political power in the hands of the people of India at large and to prevent its going into the hands of a few interested individuals. It was the only guarantee for uplifting of the poor and the down-trodden Indian masses and to raise their social and economic level.

Regarding joint electorates which was the second basic principle in the scheme, he stressed the point that communalism and communal mentality could never be uprooted without joint electorates. The acceptance of the principle of separate electorates would mean the acceptance of safeguards placed in the hands of the white bureaucracy and the perpetuation of rule of them. Those who insisted on separate electorates at the sacrifice of Moslem majority in the Punjab and Bengal were certainly not friends of Mussalmans nor of their country, for they were willing to sacrifice both for loaves and fishes and were in reality the henchmen of the bureaucracy in whose interests they were trying to throw dust in the eyes of the Mussalmans.

Could one ask the Moslems of India if these false champions of their rights had ever stood by them in their hours of trial and tribulations? Where were they during the Tripoly War, the Turko-Balkan War and the Khilafat upheaval? These valiant knights were pursuing their lucrative professions and drawing their fat salaries, never caring a jot what anguish the Moslems of India suffered from; never contributing a pie to funds raised in aid of the sick and suffering Mussalmans; never giving a moment's attention or thought to them, but rather ridiculing those who were giving their all in aid of the Moslem people. They went even further and aided the bureaucracy. They represented no one but themselves. They had no interest at heart but their own. They might succeed in their attempt to pack the Round Table Conference. They might try to exclude the voice of Nationalist Mussalmans at discussions in England, but they would never succeed in silencing it for the Nationalist Mussalmans to-day spoke for the whole of India. Hindus, Moslems and Sikhs and all. (Cheers)

#### Dr. Mahmood's Presidential Address

Dr. Mahmood, in his presidential address, said: The Hindu-Moslem problem has become very complex and difficult. But to my mind it is no problem at all. It is illogical and has no basis either on principle or on precedent. The problem owes its importance to a few individuals who scent danger at every step of progress. The psycho-logical basis of the problem is the imaginary fear of injustice, oppression and tyranny of the Hindu majority. But on closer examination, we will find that the Moslem masses whose interests our leaders pretend to safeguard have no fear of the Hindus. The only programme of the communalists so far has been separate representation by religion in democratic institutions and in public services. The Moslem youth has been shown the easiest and the cheapest way of looking for backdoor opportunities and their ambition has received check, their intellect has stopped, heart smothered and energy cooped up. Thus the backbone of the Moslem community has been broken, the manhood of Islam insulted and there is hardly any Moslem with a soaring intellect and genius in India to-day.

The programme of separate representation has killed the spirit of competition that adds zest to life and makes life worth living and brings out the best, noblest and greatest in man. It has arrested natural and healthy growth of public spirit among the Mussalmans. It has made the Muslim weaker and the Hindu jealous. During the last 20 years Moslem representatives have produced nothing that could advance the cause of education, health and economic welfare of poor suffering Mussalmans who are unfortunate victims of so many evils that have grown round them. Communities do not grow unless they come into clash with the strong and the brave. Our representatives have avoided clash and conflict and thus helped the stagnation of the current of vigorous life of our community. Common electorates on the other hand will draw out the best and noblest that is in the Moslem society. It will consolidate the Moslems even as a minority community. It will compel the Hindus to win Moslem voters and thus they will have to realise that the Moslems are indispensable for their existence. It will make the Moslem stronger and the Hindu more loving towards Mussalmans.

Dr. Mahmood however did not think that the question of electorates or representation in councils was the real trouble which cogitated the hearts of the Moslem masses. It was the alarmingly growing poverty which prevented their

children from getting benefits of education. There is one way open to us, that is through Indian freedom.

The Congress resolution on fundamental rights passed at Karachi will benefit the poorer classes in the country and specially helpless Mussalmans. He concluded saying:—The Nationalist Moslem party wants the Mussalmans to stand on their own legs and be self-respecting people. The Congress has not conceded the demands for separate electorates because we opposed it. One-third seats in the Central Legislature would have meant deadlock as far as the Sikhs are concerned. We all get equal rights with the Hindus if we throw ourselves whole-heartedly in the struggle.

## The Punjab Nationalist Muslim Conference

LAHORE—24TH. OCTOBER 1931

The Punjab Nationalist Muslim Conference opened at the Bradlaugh Hall, Lahore on the 24th. October 1931. Owing to Maulana Abul Kalam Azad's illness Dr. Ansari was elected president. About 200 delegates throughout the Punjab attended the conference.

### Chairman's Address

Reiterating and reaffirming the conviction and the political faith of his party, *Malik Barkat Ali*, Chairman of the Reception Committee of the Conference, said:—

We believe, first and foremost in the full freedom and honour of India. India, the country of our birth and the place with which all our most valued and dearly cherished associations are knit, must claim its first place in our affection and in our desires. We refuse to be parties to that sinister type of propaganda which would try to appeal to ignorant sentiment by professing to be Muslim first and Indian afterwards. To us, a slogan of this kind is not only bare, meaningless cant, but downright mischievous. We cannot conceive of Islam in its best and last interests as in any way inimical to or in conflict with the best and permanent interests of India. India and Islam in India are identical, and whatever is to the detriment of India, must, from the nature of it, be detrimental to Islam whether economically, politically, socially or even morally. Those politicians, therefore, are a class of false prophets and at bottom the foes of Islam, who talk of any inherent conflict between Islam and the welfare of India. Further, howsoever much our sympathy with our Muslim brethren outside India i. e. the Turks and the Egyptians or the Arabs,—and it is a sentiment which is at once noble and healthy,—we can never allow that sympathy to work to the detriment of the essential interests of India. Our sympathy, in fact, with those countries can only be valuable to them if India as the source, nursery and fountain of that sympathy, is really great. And if ever the time comes, God forbid, when any Muslim Power from across the Frontier chooses to enslave India and snatch away the liberties of its people, no amount of pan-Islamic feeling, whatever it may mean, can stand in the way of Muslim India fighting shoulder to shoulder with non-Muslim India in defence of its liberties.

Let there be, therefore, no misgivings of any kind in that respect in any non-Muslim quarters. I am conscious that a certain class of narrow-minded Hindu politicians are constantly harping on the bogey of an Islamic danger to India from beyond the N. W. Frontier passes, but I desire to repeat that such statements and such fears are fundamentally wrong and unfounded. Muslim India shall as much defend India's liberties as non-Muslim India, even if the invader happens to be a follower of Islam.

Next, we not only believe in a free India but we also believe in a united India—not the India of the Muslim, not the India of the Hindu or the Sikh, not the India of this community or of that community but the India of all. And as this is our abiding faith, we refuse to be parties to any division of the India of the future into a Hindu or Muslim India. However much the conception of a Hindu and a

Muslim India may appeal to and send into frenzied ecstasies abnormally orthodox mentalities of either party, we offer our full-throated opposition to it, not only because it is singularly unpractical and utterly obnoxious but because it not only sounds the death-knell of all that is noble and lasting in modern political activity in India, but is also contrary to and opposed to India's chief historical tradition.

India was one in the days of Asoka and Chandragupta and India remained one even when the sceptre and rod of Imperial sway passed from Hindu into Moghal or Muslim hands. And India shall remain one when we shall have attained the object of our desires and reached those uplands of freedom, where all the light illuminating us shall not be reflected glory but shall be light proceeding direct as it were from our very faces.

The conception of a divided India, which Sir Mohammad Iqbal put forward recently in the course of his presidential utterance from the platform of the League at a time when that body had virtually become extinct and ceased to represent free Islam—I am glad to be able say that Sir Mohammad Iqbal has since recanted it—must not therefore delude anybody into thinking that that is Islam's conception of the India to be. Even if Dr. Sir Mohammad Iqbal had not recanted it as something which could not be put forward by any sane person, I should have emphatically and unhesitatingly repudiated it as something foreign to the genius and the spirit of the rising generation of Islam. and I really deem it a proud duty to affirm to-day that not only must there be no division of India into communal provinces but that both Islam and Hinduism must run coterminously with the boundaries of India and must not be cribbed, cabined and confined within any shorter bounds. To the same category as Dr. Iqbal's conception of a Muslim India and a Hindu India, belongs the sinister proposal of some Sikh communalists to partition and divide the Punjab.

With a creed so expansive, namely a free and united India, with its people all enjoying in equal measure and without any kinds of distinctions and disabilities the protection of laws made by the chosen representatives of the people on the widest possible basis of a true democracy, namely, adult franchise, and through the medium of joint electorates,—and an administration charged with the duty of an impartial execution of the laws, fully accountable for its actions, not to a distant or remote Parliament of foreigners but to the chosen representatives of the land,—you would not expect me to enter into the details and lay before you, all the colours of my picture. And I should have really liked to conclude my general observations on the aims and objects of the Nationalist Muslim Party here, were it not that the much discussed question of joint or separate electorates, has to-day assumed proportions where no public man can possibly ignore it.

Whatever may have been the value or utility of separate electorates at a time when an artificially manipulated high-propriety franchise had the effect of converting a majority of the people in the population of a province into a minority in the electoral roll, and when communal passions and feelings ran particularly high, universal distrust poisoning the whole atmosphere like a general and all-pervading miasma,—we feel that in the circumstances of to-day and in the India of the future, separate electorates should have no place whatever.

While the Hindu and the Muslim thus stand separated, armed to the teeth for a communal conflict, the country cannot possibly progress: you cannot even pull together for six inches on the road to progress. The reaction of separate electorates, as we see them on both sides, render it therefore essential, in the interests of all parties concerned, that this division of communities into separate water-tight compartments should forthwith disappear from the constitution and their place should be taken by a system of joint electorates under which points of contact will multiply, the sense of dependence on each other and regard for each other's susceptibilities and feelings grow, and gradually though slowly there will come into existence a kind of assimilation and coalescence under whose unifying influences the Hindus and Muslims will shed their time-old prejudices and begin to think and feel as a people with common aims, common objects and common grievances. The extremists of either side will certainly be eliminated. There will be absolutely no room for a Moonje, a Bhai Parma Nand, a Shaukat Ali and a Shaft Daoodi. And I say it without any reservations whatever that the elimination of such characters from the body politic of India shall be a common good.

It is often said that separate electorates are a kind of protection for the minorities, and that the protection of minorities is a recognized principle in constitution-making. While conceding that minorities are entitled to be protected by definite

provisions in the constitution, guaranteeing to them the free and unmolested enjoyment and exercise of their religion, their culture, their script, and their personal laws, and also holding that no minorities should be placed under any disabilities whatever, so far as the enjoyment of civic rights is concerned, all people being equal in the eyes of the law with no kind of discriminating disability attaching to any.—I maintain that the conception or description of separate electorates as a kind of protection to minorities is entirely wrong and misleading. The idea at the bottom of all these suggestions and so-called safeguards is the fear that Muslims may not be returned to the Councils in the proportion in which they exist in the population.

Of course, where the franchise is a discriminating one, such a fear is natural and legitimate. And I believe it was the working of this high franchise in actual practice which led to the demand for separate electorates on behalf of the Muslims.

No such fear should possibly be entertained to-day. The franchise of to-day is either adult suffrage or at least such lower franchise as will place no community at a disadvantage and will maintain the respective ratio of the different communities in the voting register. With this as the very basis of the electoral structure, any fear of the Muslims not securing the requisite number of seats in the legislatures of those provinces where they are in the majority is completely negated. On the contrary, even looking at the question from a narrow point of view, namely, any good or advantage of the Muslim community alone joint electorates with adult franchise as the basis, or failing it such franchise as will reflect the population ratio in the voting register, should pre-eminently be a Muslim demand for those provinces where the Muslims are a majority. But so vicious have grown the implications of our communal outlook that we cannot see our own good.

Referring to the 'Spectacular Farce' of the R. T. Conference, Malik Barkat Ali said: What has particularly pained me in the entire proceedings of the Round Table has been Mahatma Gandhi's appeal to these Muslim reactionaries to join with him in securing Dr. M. A. Ansari's presence at the Conference Table. Mahatma Gandhi should have either not left India without Dr. Ansari or at least should not have asked for any kind of assistance from those who stood in mortal dread of Dr. Ansari as one before whose trumpet blast of truth would fall Jericho-like the unsubstantial walls of their reaction.

I declare that the bulk of the so-called Muslim representatives to that Conference do not represent Muslim India howsoever much they may represent the British Government, which has nominated them to that Conference in support of its own interests or even that reactionary clique, fortunately disappearing, which believes in an alliance with Anglo-Indian officialdom as the best means of perpetuating their role and place in public life and that if anyone believes that these nominees of the Viceroy represent anybody but themselves, he is only deceiving himself, and I say this notwithstanding the frantic efforts of Sir Mohammad Shafi and others of his way of thinking to vindicate their representative character and blow their own representative trumpet.

#### Presidential Address

After the Chairman of the Reception Committee had read his address *Dr. Ansari* at the outset thanked all concerned for electing him president and referred in feeling terms to the recent death of the Maharaja of Mahmudabad who had rendered invaluable service to the Nationalist Muslim party.

After tracing the origin of the Nationalist Muslim party, Dr. Ansari stressed on the fact of some Mussalmans having sought a separate platform for propagating principles and said that they would have done better to join the Congress. In passing he referred to the prominent part played by Nationalist Muslims in the Cawnpore mosque agitation, the Khilafat agitations, the non-cooperation movement and the recent civil disobedience movement. He claimed that the members of his party were the real founders of the Khilafat movement. He emphasised the fact that he and his co-workers founded the Khilafat movement and not the Ali brothers and supported the statement by saying that when the Khilafat movement started the Ali brothers were in prison. He challenged the other party to prove their claim to speak on behalf of the Mussalmans.

Referring to the demonstration during the procession this morning he said he and his co-workers were prepared for more of such stuff as they were for peace irrespective of extreme provocation. He paid a glowing tribute to the Nationalist Muslims who were united in according him cordial reception.

Regarding the Hindu-Muslim-Sikh problem he observed that the Nationalist Muslim party held the key to the position in this regard because it was the only party in India which commanded the confidence of Muslims, Hindus, Sikhs, Congressmen, Liberals and representatives of Indian States. He was confident that no scheme would be ultimately acceptable to all these groups which did not have the consent of Nationalist Muslims.

Speaking about the Round Table Conference he mentioned the intrigue of some interested Muslim Round Tablers with the British Cabinet to exclude the Nationalist Muslim party from the London Conference. He said he was sure of Mahatma Gandhi's loyalty and friendship to his party and felt that Mahatma Gandhi had done a distinct service in exposing the backdoor and questionable methods adopted by some Musalmans in conjunction with the British Cabinet. He assured them as the permanent President of the Nationalist Muslim party that he and his party would do everything in their power to bring peace and settlement and not be a hindrance to it.

Regarding the Kashmir situation he urged his co-religionists to stop all agitation and to treat the question not as a Hindu-Muslim question but as a question of petition of the people's right. This aspect he urged would prevent communalism from spreading to other Indian States.

#### SECOND DAY—25th, OCTOBER 1931

The Conference concluded its session to-day after passing three resolutions. The first resolution placed on record its deep sorrow at the death of the Maharaja of Mahmudabad, the second resolution accepted the formula for communal settlement suggested in the resolution passed by the Muslim Nationalist party at Faridpur and the third resolution placed on record its determination to achieve complete independence and accept no constitution\* which did not give the Government of the country full control over the army, finance, foreign affairs and the economic and fiscal policy.

Before closing the Conference Dr. Ansari made a few observations in the course of which he said that he had not at all felt insulted at yesterday's hostile demonstration because such incidents happened in all countries. However he hoped that those who differed from his party would come closer to them day by day as they advanced towards freedom.

Dr. Ansari continuing said the conference had asserted its determination to fight and die for an independent united India. He spoke on their behalf and in their names to the British Cabinet words of grave warning not to play with and try to humiliate the sole representative of united India who is determined to attain Purna Swaraj. The so-called Anglo-Islamic alliance on the support of Muslim reactionaries from amongst the Musalmans who have gone to the Round Table Conference would prove of no avail against the united and surging nationalism represented in the Indian National Congress and the Nationalist Muslim party. These reactionaries did not represent the Musalmans of India. The Musalmans were wedded to the cause of nationalism and would fight shoulder to shoulder with other sister communities to liberate their Motherland. Let the British Cabinet beware of false and worthless friends. They are a hollow and weak prop which would break against the first strain placed upon it by imperialism when it would soon come face to face with Indian nationalism should no honourable settlement be offered at the Round Table Conference with our great leader, Mahatma Gandhi.

## The Jamiat-ul-Ulema Conference

ALLAHABAD—8th. AUGUST 1931

The annual conference of the Jamiat-ul-Ulema was held at Allahabad on the 8th. August 1931. After prayers, Maulana Velyat Hussain, Chairman of the Reception Committee, delivered the welcome address. The delegates numbered several hundreds.

*Maulana Hasrat Mohani* in the course of his presidential address said :—

"My political creed with regard to India is now well known to every body. I can not accept anything short of complete independence. and, that too, on the model of the United States of America or the Soviet Russia which is essentially (1) democratic, (2) federal and (3) centrifugal, and in which the rights of Muslim minorities are safeguarded.

"For some time the Jamiat-Ulema of Delhi held fast to the creed of complete independence and it was mostly for this reason that it repudiated the Nehru Report which devised a unitary constitution instead of a federal one. Besides, when, after the Lahore session, the Congress, at the instance of Mahatma (Gandhi, declared the burial of the Nehru Report on the banks of the Ravi and the resolution of complete independence was unanimously agreed upon, the Delhi Jamiat ventured to co-operate with the Congress and its programme of civil disobedience simply because it was the duty of every Indian, Hindu or Muslim, to take part in the struggle for independence.

"But unfortunately Gandhiji very soon went back upon his words and (1) while yet in jail he told the British journalist Mr. Slocombe that by complete independence he meant only the substance of independence, (2) besides when he was released on expressing his inclination for compromise he devised the illusory term of *Purna Swaraj* in place of complete independence and openly declared that in "*Purna Swaraj*" there was no place for severance of the British connection. (3) by making a secret pact with Lord Irwin he definitely adopted the ideal of dominion status under the British Crown.

After this change of front by Gandhiji the Delhi Jamiat ought to have desisted from blindly supporting the Mahatma and like the Nehru Report it should have completely rejected this formula of the Congress Working Committee by which the Nehru Report was sought to be revived at Bombay.

But we do not know what unintelligible reasons induced the Delhi Jamiat Ulema to adopt '*Purna Swaraj*' as their ideal, in spite of the knowledge that it does not mean complete independence but something even worse than incomplete independence. And the only explanation for adopting this creed is said to be that, although Gandhiji has accepted Dominion Status, he still insists that Britain should concede the right of cessation from the British Empire to the Indians.

Although it is quite clear that insistence on this right has no better worth than the previous declaration of complete independence. in other words, just as Gandhiji insisted on complete independence with the sole object of forcing the British Government to accede to the demand of Dominion Status, which was the sole ultimate aim of the Mahatma, in the same way the leaders of the Congress insist upon the right of cessation with the object of extorting the largest measure of political rights from the British people who might not go beyond a certain limit in displeasing them. Otherwise Gandhiji and his followers know it full well that even if this right of cessation is given to Indians it would perhaps be never put into practice.

If some one considers this contention of mine to be based on suspicion and contends that the Congress will certainly declare for cessation from the Empire whenever there is need of it, I will ask him to let me know what will be the form of Indian Government after the British connection is withdrawn. It is clear that no one can conceive of a despotic form and a democratic form whether it be unitary or federal but centripetal, will be nothing more than Hindu Raj which the Musalmans can in no circumstances accept. Now remains only one form viz., after complete withdrawal of the British connection India with its autonomous provinces and states forms into united centrifugal democratic Government on the model of the United States Republic or Soviet Russia. But this can never be acceptable to the Mahasabhaite Congress or a lover of Britain like Mahatma Gandhi.

"Thus the Jamiat Ulema of Delhi after washing its hands of complete independence has stultified itself, but thank God the Ulemas of Cawnpore, Lucknow, Badaun etc. still hold fast to their pledge and will remain so, God willing. Some weak-kneed persons urge against this highest ideal that, when it is not possible for the present to attain it, there is no use talking about it. We say to them that it is not at all useless but rather absolutely necessary, for if the highest ideal is not always kept before view it is liable to be forgotten.

"We must, therefore, oppose dominion status in all circumstances as this is not the half-way house or part of our ultimate aim, but its very negation and rival. If Gandhiji reaches England and the Round Table Conference is successfully concluded, giving India dominion status of any kind, with or without safeguards, the conception

of complete independence will completely vanish or at any rate will not be thought of for a very long time to come.

There is no doubt that this theory of opposing dominion status and the Round Table Conference is of the Jamiat Ulema of Cawnpore and of advanced Muslims but luckily the attitude of the Congress in totally discarding the minimum demands of the All India Muslim Conference made both the moderate and even ultra-moderate section of the Muslims definitely inclined to oppose a responsible central government and to boycott the Round Table Conference, and we thank God for this.

## WORKING COMMITTEE'S RESOLUTIONS

The Working Committee of the Jamiat after a prolonged discussion held at Shahranpur extending over two days (5th. & 6th. August) came to a unanimous decision regarding the Congress formula about the communal settlement. The following is the text :—

"Whereas the various communities of India had not arrived at any unanimous decision which the Congress could have placed as a united demand on behalf of India at this critical juncture before the Round Table Conference in London, the Working Committee of the All-India Congress Committee, therefore, in view of the extreme delicacy of the situation have submitted a formula for the consideration of all the communities concerned, declaring that it is not the final decision and that the Congress would be willing to accept any other better scheme provided it could satisfy all the communities. And in view of the fact that the underlying principles of the future constitution of self government for India should be such as may secure to each community its legitimate rights and interests and may dispel all apprehensions which the minorities entertain towards the majority community and may lead India to progress, prosperity, peace and contentment and considering the fact that at the present juncture it is impossible to base the Indian constitution upon the high ideal of pure nationalism, as admitted by the Congress itself and that the way for united nationhood should be cleared as far possible. The Working Committee of the Jamiat-ul-Ulema-i-Hind, after fully discussing the Congress formula have arrived at the following decision that clause (a) of the first para, the ambiguity in the language of note appended to the second para, clause (b) of third para, the possibility of double interpretation of fourth para, the words occurring in the seventh para commencing from 'provided' and ending with 'province' and in para eight words beginning from 'unless' and ending with 'India' are unacceptable in the present form.

To give satisfaction to Muslims and to be fair and just to all other communities it is necessary that the following formula should be adopted. This formula shall be incorporated in the constitution as the basic-principle formula.

That the culture, language, script, professions, religious education and propaganda, religious institutions, profession and practice of religion, places of worship and endowment of the different communities inhabiting India shall be protected. In none of the above the Government shall have any right to interfere.

Islamic personal law shall be protected by specific provisions to be embodied in the constitution in which it shall be definitely provided that the Government and legislatures shall not interfere with the same. The following shall be inserted in a footnote appended to it by way of illustration of the personal law: conjugal separation, wife's maintenance, guardianship, marriage and property will, wakf, inheritance, funeral ceremonies, religious sacrifice, etc. Muslim (Quazis) shall be appointed to decide supreme cases when in the decision of a Muslim judge it is essential and powers shall be given to them in this respect. A supreme court shall be established to hear and to decide complaints regarding the protection of political and other rights of the minorities in the provinces and the federal assembly. This supreme court shall be composed of the members of the different communities and decisions shall be enforced by the federal Government.

The North-West Frontier Province, Baluchistan and all other newly constituted provinces shall have the same form of government and administration as other provinces. Sindh shall be constituted into a separate province and its administration shall be sufficient for its expenditure.

The franchise shall be extended to all adult men and women and in any case no franchise shall be acceptable which would deprive any community from the right of proportionate representation according to its population.



Joint electorates shall form the basis of representation in the future constitution of India.

There shall be no reservation of seats for any community in the Punjab and Bengal. But in case any minority community were to demand reservation for itself, seats shall be reserved for the communities according to their population in all other provinces. Legislature and the Federal Assembly seats shall be reserved for all minorities with right to contest additional seats.

The future constitution of the country shall be federal. All the federal units shall be completely autonomous. The Federal Assembly shall exercise powers over such subjects only as have an All India bearing. Residuary powers shall vest in the federal units unless all the provinces agree that the same be given to the Federal Assembly.

All appointments shall be made by a non-party public services commission which shall prescribe the minimum qualifications and shall have due regard to the principle that no community is deprived of its due share according to its numerical proportion. Further, there shall be no monopoly of any community in the subordinate services and every community shall be entitled to its just share in the formation of federal and provincial Cabinets.

Interests of the minority communities shall be recognised by convention and no alteration, amendment and addition shall be made in the fundamental articles of the constitution unless it is accepted by all the federal units.

All the above articles are inter-dependent in the sense that if one is rejected the whole formula will automatically fall through.

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# HINDU SABHA CONFERENCES

## The All India Hindu Mahasabha

AKOLA—8th. AUGUST 1931

The thirteenth session of the All India Hindu Mahasabha was held at Akola on the 8th. August 1931 under the presidency of M. C. Vijayaraghachariar. Rao Bahadur R. V. Mahajan, Chairman of the Reception Committee, in the course of his welcome address to the Conference observed :—

The function of our conference is of a twofold character. In the first place we have to adjust our relations with the other communities in India on a proper footing and secondly we have to organize our own community, so that it may be in a position to shoulder the responsibilities of working the future Swaraj constitution in co-operation with other communities in India. As the constitution of India is at present in the melting pot we as Hindus, should naturally feel anxious to see that our community, while not losing sight of the national point of view, does not fail to occupy a position in the future constitution worthy of our Sanskrit culture as compared to other communities in the *Arganacha*. It is to be regretted that while every other community which is proud to call itself to be in the minority has been blowing its own horn to advance its own interests, the Hindu community as a whole has been most lethargic and indifferent in this matter. It should be remembered that constitutions are not made often and to order and this indifference of the Hindus as a class at this juncture is most culpable and bound to prove suicidal to their interests. The smaller communities, however, are fully alive to the situation and are trying to bolster up their claims as fully as possible. Their claims are being recognized on the principle of protection of minorities. I must here sound a note of warning. To me, it appears that this problem of minorities, as understood in the rest of the world, does not exist in India at all. The ancient culture of Hindus reinforced by the teaching of Lord Buddha and carried to the remotest part of the country by the spread of Bhagavat Dharma, has, I am proud to say, inculcated such principles of Ahimsa and tolerance for others in the minds of the masses as no other religion has been able to do so far. As a result of this high development of the teachings of tolerance, the history of India is a continuous tale of oppression of the highly cultured majority by the less cultured minorities. By the exercise of these inestimable qualities, a Hindu has become extremely meek by temperament, with the result that this meekness almost borders at times on utter helplessness to protect his own interests as against his aggressors. This, to my mind explains the events that are passing before our eyes almost every day. It is very unfortunate that this fact is not perceived by many people. I have nothing to say of those whose interest lies in not perceiving it, but it is a pity that even distinguished leaders amongst the Hindus do not see it.

The problem of minorities is not peculiar to India. It has been a more burning problem in Europe where it had led to the conflagration of the great war. The League of Nations consisting of different States, has evolved a formula for the protection of the minorities. The basic principles of this formula can be stated in the words of an expert as follows :—

"It seems to me, obvious, that those who conceive this system of protection ( of minorities ) did not dream of creating within certain States, a group of inhabitants who would regard themselves as permanently foreign to the general organisation of the country. We must avoid creating a State within a State; we must prevent the minority from transforming itself into a privileged class, and taking definite form as a foreign group instead of becoming fused in the society in which it lives. If we take the exaggerated conception of autonomy of minorities to the last extreme, these minorities will become a disruptive element in a State and a source of national disorganisation."

The poison of communal considerations was first introduced into the constitution of India by the Minto-Morley Reforms. It was fostered by the Lucknow Pact which has proved most unlucky as the future developments show. It has, however, quite contrary to the expectations of the originators of the Pact gone on ever increasing in its dimensions till it assumed the form of the famous Fourteen Points propounded by Mr. Jinnah, who was one of those who opposed the communal representation before. It is true that our Nationalist Mahomedan brethren do not range themselves whole-heartedly on the side of the Fourteen Points and a very prolonged controversy has been going on the question of the nature of electorates. In its eagerness to effect a compromise, the Working Committee of the Congress has acceded to some of the Muslim demands which are likely to lead to the disruption of the nation. This has caused a great sensation and deep uneasiness in the minds of many persons having a long vision and the most important task before this conference is to give an authoritative expression to the views of the Hindu community on this momentous question. We must look at the problem from the point of view of the future generations and the lesson we have learnt during the last twenty years from the introduction of the communal question in the constitution must not be forgotten. We must take good care that the future constitution of India does not contain in itself germs which would lead to its disruption. The Hindu Maha Sabha has all along consistently opposed all measures for the protection of minorities which are anti-national, and I would request you not to depart from our policy lightly in our eagerness to arrive at a settlement with the other communities.

The Working Committee of the Congress has surrendered to some of the anti-national demands, because some people hold that it would be very humiliating for Indians to submit their communal problems for arbitration by the League of Nations and to escape this humiliation, settlement at any cost has to be arrived at. In this connection, it should be remembered that India, as an original member of the League of Nations, is party to the minority treaty approved of by the League of Nations, that she is instrumental in imposing that treaty upon nearly as many as 20 sovereign States of Europe. When, therefore, India is asked to apply this very scheme to herself, it does not mean that she is invoking the arbitration of an outsider in a domestic matter. From this point of view, there would be no humiliation in solving the minority problem by the arbitration of the League of Nations. Legally speaking, as India is one of the authors of the solution of the minority problem, which is now entrusted to the League of Nations for being applied to cases where need may arise, it is not open to India to move her minority problem by any other method.

If the demands of the Mahomedan community are to be met even at the sacrifice of the fundamental principles of the constitution, with what logic and reason can we resist the similar demands made by other minorities? Dr. Ambedkar claims on behalf of the depressed classes, "adequate representation" in the legislatures with the introduction of adult suffrage and also separate electorates for the first 10 years and thereafter, joint electorates and reservation of seats. The depressed classes will not consent to the representation of any other community being settled on better terms than those allowed to them in Bombay and Madras. They must have weightage over the population ratio or representation irrespective of the concessions to other minorities in these two provinces. The All-India Gurkha League in a meeting held on 20-5-31 at Dehra Dun declared: "We are opposed to racial communalism of any kind and would support common electorates in the provinces as well as at the centre." If the Muslim community must insist on the grant of separate electorates the Gurkha League shall be compelled to take up the same attitude and claim the same proportion of representation for British Indian Gurkhas which the Sikhs demand for their community. We do not support the foolish idea of communalising the public services, which would be as dangerous and reprehensible a policy as playing with fire. Public services must invariably always be recruited purely on grounds of merit, regardless of all pretensions as to caste, community, creed, class or colour. If the demands of all the minority communities are added up, it would perhaps be discovered that the majority community has itself dwindled to the position of a minority community. Anyone can see that the acceptance of the unreasonable demands of any minority is bound to lead to such a chaos and confusion: if therefore the minority communities will not accept the position of the Hindu Maha Sabha as detailed above, a reference to the arbitration to the League of Nations would be inevitable.

**Presidential Address**

Mr. C. Vajrapahachariar in the course of his presidential address to the Conference said :-

I thank you warmly for the great honour you have done me in calling upon me to preside on this occasion. Permit me to say that I have responded to this call not without hesitation and nervousness. I shall be the more grateful to you if you will overlook and forgive my shortcomings and infirmities in the discharge of my duty. I shall make a most conscientious endeavour to perform the allotted task to the best of my ability.

2. On this occasion of the annual gathering of our Sabha, it is but meet that I give expression to the universal feeling of sorrow at the loss sustained by the Sabha and the country by the passing away during the year, of three prominent men among others, Pandit Devaratna Sarma, Pandit Ganesh Shankar Vidyarthi and Babu Krishnachandra Gangalia. From the very beginning of its life our Sabha owes a large measure of its success to the loyal and steadfast devotion of Pandit Devaratna Sarma. The death of Pandit Ganesh Shankar Vidyarthi in the tragic circumstances, is a triumph of the noble doctrine of Ahimsa, and an enduring illustration of its inspiring effect. The spirit with which he sacrificed himself has been rarely, if ever, surpassed in the history of martyrdom, and it is reminiscent of the teaching and lives of our great Acharyas such as Gautama Buddha Ramanujacharya and Swami Dayanand Saraswathi.

The glorious height to which this Hindu's soul rose in discharge of his duty to save pain by sacrificing himself in the religious attempt, is a challenging answer to all the enemies of our freedom and proves conclusively that the instincts and culture of the Hindu since the making of the rational world have been in the direction of Ahimsa. So while we deplore the horrid assassination of Mr. Garlick and the attempted assassination of His Excellency the acting Governor of Bombay, we must respectfully enter our caveat against political capital being made out of these crimes, which cause among us more agony than can be dreamt of in the gospel of "The Morning Post". It is a matter for regret and lamentation that such crimes, so unnatural to national instincts and foreign to all their notions as to the means of securing their God-given freedom are hastily and maliciously described as due to a "cult". No, they are isolated instances of strange political insanity and, if apparently they appear on the increase, the causes must be sought for in long deferred political and even more economic reform. The speediest remedy is to allow the country to get into Purna Swarajya if only in pursuit of solemn promises. This would also eliminate the causes of communal friction which exacts a heavy toll of life year after year in our unfortunate country. It is a pity that so many lives should be lost, and in such hideous circumstances in these insane feuds. It is a task of humanity to explore the real causes of these occurrences and remove them for ever.

3. Let me now proceed to the business before us. We have met here on a very critical and memorable occasion in the struggle to regain our national freedom both political and economic. The Round Table Conference is about to meet again and, although its decisions would only be recommendations for adoption by His Majesty's Labour Government and by Parliament, they would be final so far as that Conference is concerned. While it may be a matter for regret that our institution has not been invited to send its own delegates to the conference, yet, it is our important duty at this hour to make our contribution in pursuit of our ideals and realisation of our objects, as well by placing our points of view before the Conference as by informing the public opinion of the world.

4. On this occasion I venture to think that it is worth our while to recall to our minds what our institution is and what our aims and ideals are. Next to the Indian National Congress it is the largest representative institution in the country, and most cosmopolitan in its principles and procedure. I specially wish to call public attention to the fact that the constitution and functions of the Hindu Maha Sabha are not confined to Hindus in a narrow sense. The Sabha includes practically all the people of India excepting Muslims and Christians, the only condition being that the religions professed by them should be of Indian origin. Our Sabha therefore reflects the views of not only Hindus, commonly so designated, but also of Buddhists, Sikhs, Jains, Arya Samajists and Brahmos. Nextly our object is both to protect and advance the legitimate interests of all the classes of people, and to adopt all those means which would bring about harmonious relations between them and Muslims, Christians and other small communities in India such as the Parsees.

Jews and Europeans and Anglo-Indians. Judged by what we have said and what we have done hitherto, the Shaba may well feel proud of its achievements, inspired as they have been by unbiassed and impartial judgment. It is therefore a matter for regret and surprise that our esteemed fellow countryman Dr. Ansari, for whose self-sacrifice and patriotic efforts in the present national struggle we must all be very grateful, should have found his way to use careless and disquieting phraseology in his speech at Faridpur the other day towards the Maha-Sabha. Our consolation is that it was a highly rapid and rhetorical description, resting on no facts and figures or reasons.

Thus, the short history of the origin and progress of our Sabha is a great contribution to Indian public life. And we shall serve our country best by pursuing our ideals expressly set out in the aims and objects of the Sabha even when powerful and provocative incitements are offered which are calculated or may have the effect of rousing communal instincts and developing group consciousness. At the present moment particularly, there is supreme need to keep our national ideals to the fore, ideals which are not meant to serve one community as against the others, but which would reconcile the interests of all communities with those of a strongly welded nation. Coolness of judgment, great patience, a sympathetic understanding and a truly national outlook are essentially necessary for the performance of our sacred duty at the moment.

6. In trying to appreciate the present situation with a view to find out exactly how we may act we must bear in mind four or five leading factors. First and foremost, there is the Gandhi-Irwin pact, concluded as the result of the brilliantly planned and patriotically executed move of Mahatma Gandhi. While Mahatmaji has thereby greatly added to our debt of gratitude to him, our thanks are also due to Lord Irwin. It must be remembered that the pact is a truce and was not meant to offer a solution constructively of the highly complex political situation reached by the country. Its great value lies in that it represents and expresses the mutual spirit of accommodation and goodwill and let me appeal to all assembled here not to say or do anything, anyway calculated to affect this spirit, whatever in India or in England. Then there are the decisions of the Indian National Congress and the recent communal settlement suggested by the Working Committee, besides the various demands and solutions proposed in connection with the Hindu-Muslim problem. There are, last but not least the discussions and tentative conclusions at the Round Table Conference held in London recently.

7. I shall discuss the Indian problem chiefly with reference to three of its important aspects and if we reach satisfactory conclusions about these we may be pretty sure that we have contributed substantially towards its solution. And these three are (a) the problem of minorities, especially the Hindu-Muslim problem, (b) the proposed Federal Constitution, linking the Indian States with British India so as to create a consolidated greater India and (c) certain reservations and safeguards alluded to in the Gandhi-Irwin pact as essential.

8. The problem of minorities has assumed unique dominance in Indian politics. It is a remarkable fact that the minority which is most numerous and which by wealth, education and above all organisation is most powerful is also the most insistent for numerous special safeguards for the protection of its rights. It needs no great research for discovering the factors (other than those which throughout the rest of the world constitute the pure minority problems) which influence our Muslim fellow-countrymen to conceive and formulate, as they have done, their special rights, real and subjective. I may be pardoned here for stating at once that our difficulty in solving this problem is due almost entirely to certain foreign and irrelevant elements that subjectively constitute this problem. It is a fact, and Maulana Shaukat Ali admitted it the other day, that there is no such problem in the Indian States. But he has not told us why it exists in British India alone and in this unique and acute form. The causes are partly historical and partly the result of the diplomatic policy of the ruling powers of India. The policy of conciliating the Muslims by special patronage and concessions began in this country between the seventies and eighties of the last century almost simultaneously with the starting of Pan-Islamism by Abdul Hamid Sultan of Turkey. And this problem has been ever since growing in volume and intensity, with the active encouragement of the bureaucracy more than under the auspices of Government. The result is, it has become so complex, that it is impossible now for Mahomedans themselves to arrive at a reasoned and unanimous solution. Neither the Government nor non-Muslims are able to arrive at a settlement with them. Prominent

Muslims, such as Sir Mirza Ismail, the Dewan of Mysore are clearly of opinion that no satisfactory solution would be reached in the near future. Therefore, the one important question before us is, what is the remedy? Are we to postpone the constitutional reform and political salvation of the country until we reach a solution of this problem so as to give satisfaction to everybody in the country? It would be disastrous to adopt such an unreasonable attitude, look at it how you may. Rather the effort must be to analyse and separate the purely local question of the adjustment of claims and interests from the national one of securing power into Indian hands. To my mind a solution of the minority problem is near at hand, the only solution we can think of. And that is to invoke the assistance of the great International Institution, the League of Nations.

9. I venture to suggest this remedy not merely because we are not agreed and shall not be agreed in the near future, about a settlement, but for much more vital reason. History teaches us that it is easy enough to arrive at settlements of such questions. What is difficult is to provide for the continued guarantee of those settlements. Very few words are needed to recommend this course for your kind consideration and acceptance. First and foremost, I desire, to call your attention to the often stated objection that is a domestic matter and that therefore the League of Nations could not interfere. This is a great mistake. No doubt it is true that neither the Hindus nor the Muslims nor both of them together can submit this question for arbitration by the League of Nations. But the Government of British India, or better the Government of the coming Dominion, of its own motion can and ought to do so to save the situation.

10. The protection of Minority rights in pre-war Europe was certainly considered part of the International Law. Grievances of a Minority as against the State in which it existed were deemed good enough grounds for the interference of the great powers of Europe into the affairs of that State. There were two evils arising from this claim to interfere. One is that the great powers had no effectual and adequate means to enforce their decisions except by war. And when war was undertaken for this purpose the consequences were often not merely the enforcement of the Minority rights, but extended to the gaining of political advantages by the victorious belligerents. Pre-war Turkey and Poland, among other countries, suffered in this way. Poland was dismembered by three great powers—Prussia, Austria and Germany, under the pretext of redressing Minority grievances. So at the end of the Great War, when the peace treaties came to be concluded, the chief among the Allied Associated Powers resolved to provide for the peace of the World by inserting safeguards for the protection of Minorities in the treaties themselves. The grounds for insisting upon the acceptance of these provisions by the States concerned were that the peace of the world was secured by the exertions and sacrifices of the Principal Allied and Associated Powers, and hence they were entitled to safeguard the rights of Minorities, violations of which were the cause of disturbance of world-peace. The creation of the new States was wholly brought about by such exertions and sacrifices. The new States accepted these grounds, but were very nervous that the Minority rights should be left to any great power or group of powers in Europe to implement and protect. Woodrow Wilson, the Father of the League of Nations and others who co-operated with him, therefore, hit upon the idea of vesting this right of interference in the League itself. The League when it came into existence shortly after these treaties, gladly accepted this responsibility as part and parcel of its great mission of peace in the world. Hence the League of Nations early adopted the very wise expedient of adding to its jurisdiction in this connection. It resolved that if any new State wished to become a member of the League of Nations it could do so only on one important condition. It required from the State a declaration to the effect that the protection of Minorities is a fundamental and international concern, and that it was prepared to accept the decisions of the League of Nations in the same way as those whose treaties embody provisions for the protection of Minority rights. Thus the League of Nations has secured its jurisdiction to protect Minorities in these two ways. It is not correct to say that the protection of Minorities is purely a matter of domestic concern.

11. It is a pity that India became one of the original members of the League of Nations; but it became so involuntarily and as an anomaly. This is the only subject nation that is somehow a member of the League of Nations. There is nothing therefore to prevent Dominion of India from acting as new members in Europe were asked to act, in regard to the Minority

questions. The Dominion Government of India has only to make a declaration to the effect that it treats the protection of Minorities in India as a fundamental and international concern and consents to vesting the jurisdiction for this protection in the League of Nations, accepting the provisions applicable to the two sets of States already mentioned.

12. In the meanwhile, the Declaration of Rights in the proposed constitution may embrace provisions for the cultural, linguistic and religious protection of the Minorities, as the Working Committee of the Congress has wisely recommended.

13. When the new Government of British India is thus started on its legs, the Minority problem, or the Muslim problem to put it more accurately, will cease to be a problem of domestic politics. We may be sure that there will be no grievance. History shows that ancient India was the safest place in the world to live in. The freedom and security enjoyed through the ages by the Jews of Cochin, the Syrian Christians of Malabar and the Parsees of Gujerat and Bombay illustrate this fact. Nothing would prevail upon these communities to return to Palestine or Persia. So there is absolutely no need for our Muslim brethren and sisters to fear that their special rights would not be safe in our country itself. However, if they have a grievance, there is the League of Nations ready to enquire and settle it impartially. The procedure relating to the enquiry and settlement of this problem whenever it arises has been developed with great care and is now nearly perfect. It involves at least three essential principles enforced in the interest of Minorities as well as in the interest of the entire State concerned. It does not treat any aggrieved Minority as a class or as petitioners but simply as individual informants so that the State and the Minority concerned do not appear in the Court of the League in the irritating position of litigants. Throughout the League stresses the fact that the obligations of the State to the Minorities concerned imply also obligations on the part of the Minority towards the State. And thirdly it always acts so as to bring about the most harmonious relations between the State and the Minority, preventing thereby the formation and development of anti-national group consciousness on the part of the Minority, in the formation of a State within a State. M. de Mello-Franco said: "We must avoid creating a State within a State. We must prevent the minority from transforming itself into a privileged caste and taking definite form as a foreign group instead of becoming fused in the society in which it lives. If we take the exaggerated conception of the autonomy of Minorities to the last extreme these Minorities will become disruptive elements in the State and a source of national disorganisation." Sir Austin Chamberlain added: "It was certainly not the intention of those who had devised this system, as M. de Mello-Franco has remarked, to establish 'in the midst of Nations a community which would remain permanently estranged from the national life.' Ladies and gentlemen, in this matter we require, more than any other country does, the assistance of the League of Nations acting in accord with such inspiring principles, so that we may achieve our destined place among the family of the great nations the more rapidly and safely. With these principles in mind the League of Nations uses its machinery known as the Minorities Section of the Secretariat and arranges for hearing the States concerned. Then, if necessary, it sends down its officers to the spot to peacefully and benevolently bring about reconciliation between the Minority and the State. If this fails, then the Council of the League of Nations acting almost as a judicial body gives its decision. If this is not accepted either by the State or the Minority then its other great organ, the permanent Court of International Justice at the Hague, is invited to exercise its advisory jurisdiction on the question. And if its opinion and advice cannot settle this question, it is inconceivable that anything else on this planet can settle it. I venture to submit therefore for your kind consideration and decision, whether both the initial settlement of this tough problem and the continued supervision of the special rights of minorities without or with the least possible disturbance in that connection, are not best placed in the hands of the League of Nations alone. From the British point of view, we have the valuable observation of 'The Manchester Guardian' suggesting that 'Since Indian Nationalism will continue to be aggressive as long as a vestige of British authority remains, it is worth considering whether the League of Nations can replace Parliament for some purpose where external authority has to be invoked.' The 'Guardian' has done public service by making this suggestion. If I may do so very humbly, I wish to express the growing conviction of Indian thought that our national dignity as well as practical considerations point to this replacement as the only satisfactory solution of a very vexed question.

14. I shall now pass on to a consideration of the constitutional question. There is a body of opinion which has been recently growing in favour of the future constitution of our country, that is, British India plus the India of the Indian States, being made federal. And the tentative decision of the Round Table Conference is also to the same effect. Ladies and gentlemen, I desire to state at once that all my life I have been against federation for British India. I have published my views on this subject more than once. I will not here take up your time to dwell on the impossibility of making unitary British India into a federal country. While Federalism is unknown to political philosophy we have to study its various aspects from the short history of the existing federal countries in the world. Of these, the two most perfect constitutions are those of Switzerland and the United States of America. If it is possible for us to create and develop federalism in India as in these two countries, specially, as in Switzerland, we need not oppose it very much. But the sort of political mechanism invented at the Round Table Conference is federalism only in name. Fantastic in structure and novel and startling in function, if at all it can be established, it would be dangerous for British India and ruinous for the Indian States. Kindly bear with me a little when I explain myself. Federalism is a free and spontaneous association of States independent of each other, each State surrendering to the association a certain defined quota of its sovereign power. Federalism of a number of subject States is a misnomer as a political term. The case of the Colonies in the British Empire uniting in federations is not in point. Though they were Colonies, they were as independent as England herself in fact, and quite independent of each other. Great writers on politics, Freeman for instance, are agreed that where a State is already unitary, the problem of making it or, shall we say, breaking it up into a federal country, cannot be conceived much less legally and peacefully worked out. It would therefore be impossible to make unitary British India federal. The demand for it at the Round Table Conference arose from the Ruling Princes. The chief ground alleged was that if they were to enter the coming federation, with the whole of British India as one unit, there would be a single British Indian political block voting against the States in the Federal legislature. It is impossible to understand the force of this statement. Is it suggested that the whole of British India would be one constituency? Constituencies and existing or future provinces need not even be territorially co-extensive and identical. It would be more satisfactory in every interest to create constituencies more or less on a population and purely geographical basis; and it is in the highest degree unlikely, if it is indeed conceivable, that British India as a whole, or better, the Dominion of India as a whole, can act against all the Indian States combined. The discussion on this point at the Round Table Conference was extremely interesting. At one time in the course of my reading the proceedings of the Federal Structure Sub-Committee, I did the distinguished members a great injustice. The discussion reminded me of an ingenious definition of metaphysics by a great writer. Metaphysics, he declared, is the art of conversation in such a way that the people engaged in the conversation do not understand each other nor do they understand themselves. During the discussions at the Round Table Conference our esteemed countryman, the Rt. Hon. V. S. Srinivasa Sastri exclaimed: "We have really something at the back of our minds, and therefore seem to be saying things of which the meanings, clear in our own minds, are not clear to others." Nobody there seems to have addressed himself as to how British India, now admittedly unitary, can be made a federal country. It seems to have been taken for granted that an Act of Parliament can convert Unitary British India into a Federal British India. But the process is not explained. We are told that the provinces are to be released from the tie of the Central Government. I confess, I am unable to say how even Parliament can do this. It is often said that the British Parliament is almost almighty and can achieve anything except making man woman and woman man. By the by, we can also add, it cannot evidently make coloured subjects as free as white subjects of the British Empire. However, this was assumed. What is the effect of these provinces being released from the tie of the Central Government? It was a distinguished countryman of ours who imported his knowledge of true federalism into the discussion. He declared and rightly declared that each such province would then become 'more or less sovereign'. He was complimented on his idea by the noble Chairman who was pleased to request him to repeat his statement, and repeated it was. The point was not pursued further. If pursued further, the absurdity of this solution would have been apparent. If the provinces cease to be merely administrative divisions as they



are now, deriving all their powers from the Government of India on the principle of decentralisation, and made sovereign, then they are entitled to remain sovereign. Common sense tells us that. It follows that any such sovereign Province may decline to enter the federation. When they become sovereign, the Parliament ceases to be the Parliament of the sovereign province. If the word sovereign has a meaning, it means that it can establish its own government. This principle is recognised in the course of this discussion, and hence any and every Indian State or group of States is given the option to enter the federation or not. But a similar option is not given, and is not even thought of, to the 'more or less' sovereign provinces into which British India is to be shattered for the purpose. In exercise of such a power, not only existing provinces but future provinces, such as Sindh, Baluchistan or North-West Frontier Province may decline to enter the proposed Indian Federation and may prefer to remain as isolated sovereign States or form new and true federations among themselves, or any of them may even consent to be merged in Afghanistan. This strange procedure would tickle Sir Mahomed Iqbal whose plea for a Mahomedanised North-West India is fresh in our minds. The brilliant debaters at the Federal Structure Sub-Committee of the Round Table Conference, while setting their face against the use of technicalities in political principle and plan, had no hesitation to use camouflage. This is not all. The Federal Government is to be designated, in function and not in structure, a Central Government as regards the Sovereign provinces so that certain powers might be exercised, in respect of these Provinces alone as distinguished from the Indian States. And naturally enough, the debate deals with the question whether under such circumstances the representatives from the States may or may not vote. I need hardly tell you that this is a new and impossible feature of government that members of one and the same legislature may not be allowed to vote in the decision as to certain subjects. On the other hand, it is anomalous, absurd and extremely dangerous that members who have no interest and who might even possibly have hostile interests should be allowed to vote on such subjects. The fact is that the machinery is as clumsy as it is novel.

15. Another aspect of it makes even more dangers to our fellow-countrymen and countrywomen who are the subjects of the Indian States. Under the proposed scheme, the relations that have been hitherto subsisting between the Government of British India and the Indian States is to be built up into two parts as far as they are concerned. The States are to be connected with Federal Government only to the extent of the surrender of their powers on its behalf via the crown. But the remaining portion of the power hitherto exercised by the British Indian Government called the paramountcy or suzerainty jurisdiction is to be divorced from it and vested in the Viceroy as the representative of the Crown to be exclusively exercised by him, under of course his own foreign department for this purpose. Now imagine what would be the consequence of this strange political contrivance. We all know how impossible it is to separate, much less to exercise the paramountcy power of the British Indian Government as distinguished from the rest of its powers in relation to the Indian States. Let us not forget that this aspect of the relationship is not a creation of treaties but a growth. I may here invite your attention to three stages in the development of the relations between the Indian States and the British Government of India. When the treaties were entered into and for a long time afterwards the high contracting parties namely, the Sovereign East India Company and the States were equal and the former were called the allies of the latter. Later on, after Napoleon in Europe and Tippu Sultan in India were thoroughly defeated by the English and the British possessions in India were firmly established, the relationship was called "Subordinate Alliance." And it was after the Mutiny had been suppressed that the words "Suzerainty" and "Paramountcy" crept into this literature.

16. This relationship, no matter what is its origin and history of its development, has become indissolubly part and parcel of the powers of British Indian Government to be used in exercise of its right and obligations vis-a-vis the Indian States.

17. Next, it would be often difficult in practice to decide which aspect of the political life of the States would fall under one or the other of the divided jurisdiction. The result would be a triple irritation, if not conflict, between the Viceroy, the Federal Government and the States. I would earnestly invite your special attention to the effect of this contrivance upon the immediate and the future destiny of the subjects of the Indian States. If this queer political mechanism is

is accepted by us these unfortunate fellow countrymen and countrywomen of ours would ever remain in political bondage. Let me say why. Under the existing relations both the treaty and the paramountcy powers are used in indissoluble combination to be a sort of super-state over each Indian State. One of the obligations of the paramount power is to prevent misrule of the Princes and to punish rebellion of the State subjects, if any. The paramount power has not hitherto thought of using this power to influence Ruling Princes to become constitutional monarch and to allow their subjects a voice in the Government of their own States. But with such a power the reformed British Indian Government can and ought to. No doubt this exercise of paramountcy is capable of abuse. But we people of British India shall have no temptation to abuse it in any manner. Between the deprivation of the power and the risk of our abusing it we must easily make our choice. That is to say, we must have this paramountcy power for sometime as without it we have no means, we have no peaceful means, of elevating our fellow countrymen of the States to the level, politically and economically, to which we wish to rise as a nation. In a sense this power of paramountcy may be aptly designated an 'implied power' the doctrine of which was conceived and developed by the Supreme Court in the United States of America to strengthen the hands of the Federal Government at Washington. This power must and will fall into disuse rapidly. The British Indian Government has the right and the obligation of preventing misrule and punishing rebellion in the States. It follows that it has the implied power, from those obligations and rights to prevent the causes thereof. And the best way to prevent the causes thereof is to bring about the establishment of responsible government in every State and thereby apply and develop the doctrine in it that the King can do no wrong. That is to say that as in every Parliamentary and cabinet Government, ministers would be responsible to the people, the latter exercising full rights of self-determination and self-government. If any popular movement in a State to achieve responsible government should be resisted by the Princes concerned, it ought to be possible for the Dominion Government of India to support the people. In the way that the Round Table Conference conceives the future Federation not only would the Dominion Government be obliged by a fundamental implication of federal relation, to sustain the Princes, but its apathy in the matter would give the Princes a just cause for secession. All this is undesirable and we ought to avoid unpleasant commitments of this kind. We must be free to promote the progress of democracy everywhere without being tied down to a policy of supporting its enemies, our convictions and natural reluctance notwithstanding.

18. It follows also, ladies and gentlemen, that the paramount power can be exercised only by the reformed British Indian Government in the case of each individual state. We cannot conceive of the proposed Federal Government exercising it. Because, in the first place, it derives all its powers by a grant and the surrender from the British Provinces and from the Indian States; and the latter, it is abundantly clear would not consent and the crown itself would not think of vesting this power of paramountcy in the new Federal Government. It can only do so in the pursuit of a principle applicable in common to all the States and any special treatment of an individual State would put up all the other States against the Federal Government.

19. Permit me to draw your attention to another vital aspect of the rights and duties of the reformed government of British India in regard to the Indian States. We all know that a very vast majority of the States are not only very small in size but wretchedly poor. These are incapable of functioning as States at all. Under the proposed scheme of the Round Table Conference most of these States are to enter the new federation, not individually, but in groups. But what is to become of the unfortunate inhabitants? I suggested long ago and I would venture to repeat the suggestion, that these States should be absorbed and merged into British India by peaceful methods. At present they are practically governed more or less, not by the Foreign Department of the British Government of India. It would be the proud privilege of the people of British India when they shall have attained their Swarajya and their freedom to abolish this chronic political and administrative camouflage and ask the rulers and peoples of these mimic States to become part and parcel of Reformed British India. Remember that in saying this I enunciate no obnoxious political principle. The Government of a people is the industry organised by the people themselves for their own common benefit; in the words of Dicey, 'The Government is but the legal agent of a people in whom is lodged inalienably their own political sovereignty.' It is therefore their right and not that of the rulers to become a part

of British India. I may here mention that the League of Nations declined to recognise very small States as fit to become its members, such as San Marino, Monaco, Armenia, etc.

20. I shall now next refer very briefly—because I am unwilling to trespass on your valuable time and further to avail myself of your kind patience—to the third subject, namely the Reservations. Under this head are included the Defence of India, Foreign Relations, Financial Stability and the Credit of the country and even Safeguards for Minorities. The last point is easily disposed of in a few words. I have already dwelt at some length with the important question of the Protection of Minorities. It is a well-known principle that the expression 'Minorities' in the making of a Nation and in its constitution can only refer to minorities that make up the nation, and not to foreigners resident amongst them. Therefore, in the proposed constitution, there is no room for special provision for foreigners or for any groups of them resident in India but who are not nationals. So far as Anglo-Indians are concerned they will have the benefit of the Constitution and arrangements for the protection of the other Minorities. That is to say, we shall merely treat them as nationals. But if they treat themselves as belonging to the class of Europeans resident in India, then they must also be treated as foreigners like them. I am anxious that India should have the benefit of association with Europeans for many a long year to come. Therefore we must do everything in our power to secure their willing and harmonious co-operation with us in the making of the nation and in running and advancing the new constitution. The best way to do this is for the Dominion of British India and Great Britain to enter into special treaties for the purpose. Under these treaties we need raise no objection to giving them preferential commercial rights against people of other foreign countries. But the liberty of person and protection of property rights can be secured to them at best only in the same way as for the nationals, and by no means by special and discriminating laws. There shall be no such thing as capitulations in their behalf as the China and Turkey.

21. No foreigner will have the right to enter our legislative councils or become member of our executives as such. But in view of the fact that they are British Subjects and that it is desirable to have their willing co-operation, I have no objection to provisions being inserted in the treaties along with the commercial rights giving them the right of such entry. But it should be on the sole condition that they enter not by separate electorates but from the general constituencies of the country. It would be impossible to conceive that a Hume, a Yule, a Wedderburn or a Bradlaugh would not be easily elected to any legislature in India and would not even be a member of the Cabinet.

22. In dealing with the other three points, namely, Defence, Foreign Relations and Finance, it is necessary for me to refer to the Gandhi-Irwin Pact. That Pact while laying down that the reservations are essential, is interpreted on both sides to mean that those reservations should be in the interests of India. We may even be content with the position claimed by some that they should be both in the interests of England and India, provided that they are primarily in the interest of India and only secondarily in the interests of England. In this connection two important questions arise. All the controversy on this point has not revealed as to who should be the judges of the question, whether they are in the interests of India or not and what are the exact means of providing for the administration of the reserved subjects. Taking finance and foreign relations together, for my part, I venture to say that it would not be in the interests of India at all that they should be reserved as Crown subjects. It is notorious that the financial and currency policy of British India has been shifting from time to time and is by no means a great success. Just at present, the almost universal Indian opinion is that the present policy is greatly to the detriment of Indian interests and is intended mainly in furtherance of English interests. The general view is that the financial policy has been such all along. Further, what is chiefly behind the claim for this reservation is England's fear that Swaraj India would repudiate the financial obligations incurred by the Government, as it is and as it has been. This fear is unfounded. On the one hand, it is part of the public law of the world that a Government, merely by a change of the form of her constitutional mechanism and by increasing the guarantees for the political and economic freedom of the citizens, cannot escape the obligations lawfully incurred by its unreformed predecessor. Besides, the Congress Select Committee, recently appointed to investigate this question, has set the matter at rest. Swaraj British India will be liable and will pay all the

just debts incurred by the East India Company and the Crown in its interests and for its benefit. In fact, the reformed Government of British India will be in the position of a son succeeding to the family property, who will be liable to pay all just debts contracted by his father as manager of the family property, in the interest and for the benefit of the members of the family.

23. As regards foreign relations, England cannot be proud of her policy in so far as the protection of Indians abroad, including in parts of the British Empire, is concerned. It is strange that a claim to reserve this subject has been seriously put forward. The people of reformed British India can no more ignore and neglect this aspect of the question than they can ignore and neglect the political advancement of the Indian States' subjects. We cannot consent to this subject being reserved. Neither is there any reason why the Dominion of India cannot be allowed the same liberty to enter into commercial relations with foreign countries and the other Dominions of the British Empire exactly as these last are allowed. So far as the declaration of war is concerned, we need raise no objection to its being treated as an Imperial concern provided India is allowed a voice to the same extent which the other Dominions have recently been allowed. In these matters the Dominion of India may well abide by the decisions made by the Imperial Conference from time to time and by the example of other Dominions.

24. There remains only the question of reserving Defence. I must confess that I am altogether unable to understand the reasons for reserving this important subject. Self-Government and national freedom are words of illusion without the means of defence, ever under the control of the nation and organised and regulated by itself. Statements were made at the Round Table Conference by our countrymen to the effect that we are now incapable of maintaining and supervising means of national defence. This was of course treated as an admission. But we have a right to save ourselves, from our own admissions, rapidly made flow and then. The foundation of such statements is that we have been so long kept out of the army particularly in the officer ranks. This is true; but there is no connection between it and the proposed reservation of defence. The entire fallacy lies in the idea that the Parliament of this country through the machinery of its executive, is incapable of regulating the eize, discipline, pay, modes of recruitment, etc. unless the Ministers and the bureaucracy are capable of leading and being officers in the Army themselves. History teaches us otherwise. No doubt every government needs experts for the manning and directing of its various departments. All that the Government needs is the creation of a board of advisors for the introduction of laws and rules for the regulation of the forces of defence. Let us not forget what England herself did two centuries and a half ago when she expelled James II and invited William and Mary to occupy the throne. The important provision of the Bill of Rights was that there could be no Standing Army in the kingdom without the consent of Parliament, and what, if more, it passed an Act annually, known as the Mutiny Act, intended to make this provision in the Bill of Rights the more effectual. Parliament passed laws from time to time affecting and organising the army in all details including punishments for offence. In fact no people can be organised into a nation without its full power to organise the defences of the country. In the particular instance, look at the effect of the so called admission. If we are to wait until the time for the army to be completely Indianised, it might take even 100 years in the least, in spite of the phenomenal efforts made by our distinguished friend Dr. Moonje. No, the people of British India must not be denied the power to organise itself into a nation in every way, if only to prevent surprises and national humiliation. It must have power to organise the militia, a system of conscription and compulsory training generally, and also have power to vary the strength of the Standing Army from time to time. One noteworthy feature in the discussion of the Round Table Conference is that no allusion is made to the post-war aspect of national defences and the noble endeavours that have been all along made by the League of Nations in the way of disarmament. In short, the defence of India after the Great War and in spite of the slow progress, thanks to the few great nations of the world, as yet achieved by the League of Nations in the direction of disarmament is not now the same anxious and difficult problem as it was before the Great War. Afghanistan, Russia, and the United States of America are not yet members of the League of Nations. Of these three, the latter two may be dismissed from our considerations as nobody dreams that either of them will attack us. So far as the first is concerned even if we apprehend that she would invade India, a much smaller army than the huge one now maintained is quite sufficient. regard being had to the Covenant and

practice of the League of Nations that it can protect us even against aggressive nations that are not members of the League. I am therefore clearly of opinion, that not only would this reservation not be in the interest of India but would be the very reverse of it, emasculating us, humiliating us, crippling our financial resources and retarding materially the making of the new nationhood in every direction.

25. Let me now summarise the foregoing observations in a few words. 1. The Hindu-Muslim problem should be placed by the Government, whether or not we reach an agreement ourselves within the jurisdiction of the League of Nations. Any concessions which we may agree to make should be made afterwards, and they should, without any fresh effort, expire within a time agreed upon now. Here I appreciate the appeal made by Begum Shah Nawaz at the Round Table Conference, that we Hindus should be generous if only because we are 'brothers in flesh and blood, born of one soil, living side by side, working and enjoying life together'. Yes, We should be generous. But the generosity would appear in the best light and would be appreciated best, in fact it will be doubly blessed, if only our Muslim brothers and sisters know exactly what are that pure safeguards for the protection of their special rights in the way of culture, language and religion. I refuse to add the word 'race' or 'racial' because almost all the Indian Muslims with an extremely small section of Semitic origin, were Hindus in origin. If carefully examined and impartially judged, the people of India are the most homogeneous, considered merely from the racial point of view. 2. The status of British India should at once be raised to that of a Dominion, fully equal to all the Self-governing component parts that make up the British Empire. And the Constitution should be unitary and parliamentary and not by any means federal in the sense proposed at the Round Table Conference. Not only is it a physical and metaphysical impossibility, in the oft-quoted words of Carlyle, but it is in the highest degree dangerous to the people of both the Indias. I might here sound a note of warning to our Rulers. The well-accepted international doctrine that a change in the form of constitutional Government of a country cannot absolve that country from all the legal obligations contracted by its unreformed ancestor, cannot in my humble view apply to a State constructed out of the political debris of British India on the one hand, and metamorphosed Indian States on the other. 3. There should be no reservations and Crown subjects beyond the full reach of the new government as regards Defence Foreign Relations and Finance except in so far as declaration of wars are concerned, as to which we should have the same right of voice as the Dominions. Compromises may be made by treaties between the reformed Government of British India and Britishers and Irishmen, resident in India whether as officials or non-officials but who are not nationals provided that the terms of such compromises do not constitute them a privileged class.

26. Ladies and gentlemen, you must now permit me to conclude. I have dealt with what I believe are the leading features of the present situation, and I now desire to advert somewhat to the various schemes offered for the solution of the Hindu-Muslim problem. As I have already said, I am yet to find any valid reason why this aspect of the Minorities' problem is stressed apart from the general question, nor can I see why pure questions of constitutional mechanism are so freely intermixed with it. Dr. Ansari is a well tried nationalist, and his views must be studied with great respect. My disappointment was therefore the more keen that he also fell into the common error of this confusion of ideas. The Faridpur Resolution, inspired by his patriotic and well meant endeavours, is subject in many particulars to all the infirmities of the proposals of the other section of Moslems to which Mr. Jinnah's fourteen points give expression. The provisions about a federal type of government and residual jurisdiction cannot be treated as a matter of communal interest at all. The spirit underlying the demand is unhealthy to true national development. No section in India should have the right and the means to oppress any other in any way, and no arrangements should be made to facilitate policies of *revanche* in case a majority community misbehaves against a minority, and that in different and perhaps far-away localities. And yet, this is precisely what the separationists, mis-called Federalists avidly desire. The division of the country into areas for administrative convenience should be undertaken upon principles conducive to such convenience. You cannot gerrymander the country to serve communal purposes and defeat those of the nation and invest fragments so created with powers of sovereignty. The Working Committee has of course rightly added to the clauses relating to these, a rider that they must be ultimately decided upon principles beneficial to the country. As regards the electorates, we all welcome the Nationalist

Muslim proposals favouring Joint Electorates. You will look in vain into the history of Nations for any precedents for separate electorates or reservation of seats much less for weightage, and yet the Muslim minority is not the only Minority in the history of the world. Muslim Minorities in other countries have never thought of such safeguards. If any of these arrangements have to be allowed, notwithstanding principle and the risks involved, as measures of compromise, I must strongly urge that they should be limited to a short period of time after which they would automatically lapse. The Mahasabha has already indicated its objection to the proposal for the reservation of a third of the seats in the Central Legislature to Muslims. Especially after the clumsy Round Table Scheme, this proposal would only add to its complexity and incurable clumsiness. Equally untrue to recognised and long-standing principles are the proposals to reserve seats for Minorities in Executives and in Services. Dr. Ansari's scheme repeats the error of the 14 points in all these respects; and but for the fact that he is a proved Nationalist his scheme would not possess the only advantage it has, in that he approaches the entire problem with a will to reconcile national to his communal interests. While I express deep disappointment with his scheme, I am bound to record my sense of appreciation of his conscientious endeavours to find an acceptable and lasting settlement of the question. Let us forget his uncharitable, may I even say rash, attacks upon the aims and objects of our Mahasabha.

Ladies and gentlemen, I thank you very much for the patience and courtesy with which you have listened to me.

## RESOLUTIONS

The following among other resolutions were passed at the Conference:—

The Hindu Maha Sabha emphatically protests that the representation of the Hindus, in the same communal sense in which the Muslims are represented on the Round Table Conference, is inadequate and highly defective generally and particularly in so far as

(a) There is not one single representative of the Hindus, of Sindh and of the N. W. F. Provinces, and,

(b) There is no representative of the Federal Structure Committee in the same communal sense in which the Muslims are represented by Mr. Jinnah and Sir M. Shafi, the Presidents of the two sections of the Muslim League and Dr. Shafaat Ahmad Khan.

### VERAVAL INCIDENT

This Conference strongly condemns the cold-blooded murder of Nagar Seth Govindji Seth and Dr. Govardhandas and others by Muslim goondas at Veraval in Junagadh State, and expresses its heart felt sympathy towards the members of the families of the victims and towards those suffered, and appoints a Committee consisting of Mr. Ram Rao Deshmukh (ex-Minister C. P.) Kumar Chandkaran Sharda, and Shriyat Anand Priya to fully enquire into the matter and report within 15 days as to what steps are required to get the culprits and conspirators punished. This Conference further assures the Hindus of Junagadh State of its whole-hearted sympathy and support in their trouble.

### SAFEGUARDS QUESTION

In regard to the Round Table Conference, the Hindu Mahasabha respectfully warns the Government that the people of India are in no need to be satisfied with anything less than immediate full Dominion Status and full responsible Government; this Conference, while being emphatically of opinion that India is quite capable of taking over immediately full responsibility for its own Government puts on record its desire that the Round Table Conference may prove a success and that peace and friendship may be established between England and India.

(a) That in case a certain transitory period as regards the defence of the country and Imperial and foreign policy be still considered needed, such period should not exceed ten years when those special reservations should automatically cease to operate.

(b) That even during such a period of transition, there should be a Minister or Ministers in charge of the reserved subjects, and the Minister shall be appointed by the Viceroy from among the elected members of the Central Legislature.

(c) That recruitment of officers for holding King's Commissions in the Indian Army, Navy and the Air Force should be made in India from among the Indians

irrespective of considerations of caste or creed or of the so-called martial and non-martial classes, subject always to the requisite standard of efficiency; provided that it shall be open to the Government of India to provide for recruitment in England to fill up such of the vacancies as may not be filled in India.

(d) That all arrangements should be made for the intensive military training of Indian boys establishing military schools and Rifle Associations and organising gymnasiums for the training of boys in the indigenous art of self-defence, such as lathi-play, sword-play etc., and by encouraging boys to join University Training Corps and young men to join the Territorial Forces.

#### CONGRESS SCHEME FOR COMMUNAL SETTLEMENT

This Conference, while acknowledging that the scheme of communal compromise as proposed by the Working Committee of the Congress, marks an advance towards a settlement on national lines, considers it unsatisfactory and unacceptable on the following grounds :

(a) It discriminates between Hindu and Muslim Minorities and fixes, in respect thereof in its scheme of protection, an artificial and arbitrary limit of 25 per cent, evidently to exclude the important Hindu Minorities of Bengal and the Punjab from the advantages of protection provided in the scheme.

(b) That it provides for the protection of the Muslim Minority of 29 percent in Assam by reserving seats for them on a population basis, with power to contest additional seats, while similar protection is denied to the Hindu Minority of the Punjab, which is said to have been now reduced from 30 per cent to 26 per cent.

(c) That it has practically treated the essentially constitutional question of residuary powers as a communal question, and has, against the almost unanimous Hindu opinion, decided that they shall vest in the provinces instead of in the Central Government.

(d) That it has treated the Moslem demand for the separation of Sind apart from the general question of adjustments of the boundaries of provinces, which can only be settled through expert examination by a Boundaries Commission, and that it has conceded the Moslem demand for separation in utter disregard of the determined and reasoned opposition of the Hindus of Sind, who will thus be forced to bear a larger proportion of the inevitable increase of taxation in relation to their population as compared with the Moslems of Sind, and be called on to pay for a thing which they naturally hate and have to forego the advantages accruing from the well-developed system of Government of an advanced province like Bombay and to submit to a backward Government deriving its inception from purely communal interests.

(e) That it has introduced the novel and startling principle of minimum qualifications for public services which is bound to effect the essential need of maintaining the administration at a high standard of efficiency, irrespective of considerations of caste or creed. Besides, it is uneconomical to recruit inferior talent at high price, involving injustice to superior talent by placing it at a discount, merely to placate this or that community.

(f) The Hindu Mahasabha has no objection to the further widening of franchise and even to adult franchise; but if adult franchise be proved impractical for any reason at the present stage, then the Mahasabha emphatically insists, that the franchise should be uniform irrespective of the fact whether it reflects or does not reflect in the electoral role the proportion of population of every community.

#### KASHMIR INCIDENTS

The Hindu Mahasabha is alarmed at the mischievous Muslim propaganda against H. H. the Maharaja of Kashmir and his administration. The riot, loot and arson, coupled with the cutting of telegraphic and telephone wire and the destruction of bridges, led the Mahasabha to fear that there is some conspiracy behind it backed by influential persons. The Mahasabha heartily congratulates the Maharaja on his taking prompt and necessary action to bring the situation under control. Under the circumstances, the Mahasabha warns the Government of India of the serious misunderstanding that is likely to arise if it does not use all its influence to prevent interference with the domestic affairs of Kashmir State and recommends that a Committee of Inquiry be appointed by the Working Committee to conduct a full inquiry into the origin of the Kashmir trouble.

## GOVERNMENT OF INDIA DESPATCH

The Hindu Mahasabha puts on record its deliberate opinion that the possibility of an amicable settlement of the communal problem by the parties concerned has been extinguished by the proposals of the Government of India in that behalf as contained in their despatch on the Simon Commission's Report, which amounts to a wholesale surrender to practically all the communal demands of the Muslims, and warns the Government of India that until the Government of India's despatch is cancelled the Muslims will not be brought into a mood of reasonable compromise and that, therefore, the responsibility for the communal tension lies entirely on their shoulders.

## RESTRICTION ON MR. SAVARKAR

This Conference acknowledges the noble work done by Mr. Vinayak Damodar Savarkar, Bar-at-Law in the direction of Hindu Sangathan, removal of untouchability and Shudhi in the district of Ratnagiri, and earnestly demands the removal of all restrictions placed by the Government upon his liberty inasmuch as he has, as a result of the injustice done to him, already undergone imprisonment and internment for a period of about 22 years, and hereby restore to the Hindu community, one of its most honoured members.

## FRONTIER REFORMS

Resolved that this Conference is of opinion that in view of the peculiar condition obtaining in the N. W. F. Province, the proposed constitutional changes in this miniature deficit-province will not be conducive to the good government and peaceful progress unless accompanied with the following safeguards and measures :—

- (i) (a) Law and order to be retained as a central subject.
- (b) Effective protection against trans-border raids and invasions, specially by strengthening the defences in the Tiram and Khyber, as in Waziristan.
- (c) Adequate and effective representation to the minority communities in the Provincial Council, and the Central Legislature and in the services.
- (d) Representation of the Hindus in the Cabinet by convention.
- (e) Appointments in the provincial services to be filled up by open competition under the authority of a Public Service Commission.
- (f) Right of appeal to the Central Government against oppressive acts of the local legislature.
- (g) The sub-vention paid by the Central Government for any specified purpose to be spent for that purpose alone.
- (ii) Resolved further that the judiciary of this province be placed under the Lahore High Court with a bench of two judges to sit at Peshawar on circuit duty.

The Mahasabha in consonance with its principle of religious toleration, assures the Jains of its full support in their right of their Digamber Munis of free and unrestricted movement through public streets and thoroughfares.

This Conference condemns in strong terms the attitude of the Government of the Central Provinces in not allowing Hindu Government servants to attend the session of the Conference, quite against previous precedents even as visitors and spectators.

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## The Bengal Provincial Hindu Sabha Conference

BURDWAN—18 JULY 1931

The sixth session of the Bengal Provincial Hindu Sabha Conference was held at Burdwan on the 18th. July 1931 under the presidency of *Maharaja Srish Chandra Nundy* of Kasimbazar. The following is the text of the presidential address delivered by him :—

It is not possible to adequately express my feelings for your having called upon, to preside over this great function, a man who confines himself to doing small



things in his own humble way and who feels that he is quite unfit for such a great honour. Nevertheless, I cannot but thank you most sincerely for the opportunity you have given me for realising that I am a Hindu and that I am the inheritor of a religion and civilisation which had their inception in the dim unrecorded past of thousands of years ago.

Friends, I am sure you are aware of my limits and limitations. The honour you have shown towards me, I am certain, is not for anything that I personally may have done, but it is in memory of my late illustrious father and the family to which I belong. It was my father who kept the highest ideals and traditions of Hindu culture and religion constantly alive before me and protected me, with singular foresight and affection, from the mad onrush of what goes by the name of modernism. So, it is with gratitude that to-day I remember him and his forbears who have handed to later generation all that is noblest in Hinduism.

It is undeniable that Hinduism had its Dark Ages and that we were once in danger of being swept away by meaningless superstitions, cruel orthodoxy and impotent arrogance of Hinduism. But the swing to the other extreme was equally violent, and the modern educated Hindu is the product of that reaction. We wanted to destroy Hindu superstitions and their concomitant evils which have resulted in the total loss of the legitimate pride and glory which attach to real Hinduism. But that is not the end of it all: what is more unfortunate is that we have learnt to feel proud that we have lost it. What is it that Young India expects from this welter of self-forgetfulness? Why is it that Young India is out to-day with a begging bowl in his hands when there is plenty in his own land? Let him remember what Swami Vivekananda, the greatest interpreter of Hinduism of the modern times, said about what I consider to be the gist of Hinduism:—

"One of those little handful nations cannot keep alive for two centuries together, and our institutions have stood the test of ages, says the Hindu. Yes, we have buried all the old nations of the earth and stand here to bury all the new races also because our old ideal is not this world but the Other."

What is the real Hindu ideal? Not that I exist only for to-day or to-morrow or I existed only for yesterday, but I am co-eternal with Creation and Times; my existence and ideal extend beyond this world and life to Eternity. This is the central proposition of Hinduism.

But this does not at all mean that Hinduism has neglected the duties of secular life. Enjoy by all means, Hinduism says, all that this world has to offer but await next? This sets us atninking of the great hereafter, and herein lies the superiority of Hindu Philosophy over other schools of thought. These lofty ideals, as Mr. Risley says in his *People of India*, "are not the monopoly of the learned: they are shared in great measure by the man in the street." A similar testimony is given by Mr. Burns in the Census Report of 1914 when he says that "the general result of my enquiries is that the great majority of the Hindus have a firm belief in one Supreme God."

A very distinctive feature of Hindu thought-structure is the sense of unity between the individual and the collective. The history of Hindu civilisation does not record any clash between the two. The highest expression of Knowledge and Bliss is to be found in collectivism which is realised in the perfection of the individual. By individual the Hindu does not mean only man, but the entire Kingdom of Life. His thought current encompasses not only the individual man but the entire collective life. The Hindu is conscious of a spirit "which sleeps in the stone, dreams in the animal and awakes in man." "Tat Tam Asi"—Thou art That—is the root of Hindu Universalism. God is both One and Many; He is the ultimate Reality; He is the one support of all and He pervades all and the entire universe, being the One in Many. He is the collective or universal Man manifested for the good of man in all countries and for all time. Hinduism which has its roots in the bed-rock of universal good, is the most catholic of all religions, and as such, its development will mean the progress and the welfare of humanity itself.

But perhaps the Hindu youth, modernism-mad, will say in reply, "yes, all this may be true but this belief has rendered me incapable of contributing to the new civilisation with which the world is throbbing to-day." Alas! it is a thousand pities that this wretched interpretation should be put on the spirit of Hinduism! Never have Hindu religion and philosophy ignored the realities of life. We have become slaves as it were, to cheap modern catchwords, such as 'dignity of labour'

or 'work is worship', and when we judge ourselves by this standard we naturally fight shy of Hinduism. Hinduism has never shrunk from giving labour the fullest dignity; even the butcher gets his full dues.

There is no room for narrowness in Hinduism; the stifling customs and meaningless traditions which have enchained us to-day are not the injunctions of Hindu religion, but they are the aftermath of temporary social makeshifts which had their origin in special circumstances or new environments. It is our misfortune that those special needs do not exist to-day, and we have inherited a legacy of a useless pseudo-religion which is no better than obnoxious weeds. What we need to-day is not this extermination of Hinduism but the strength, energy and courage to ruthlessly cut down those poisonous weeds which have arrested our progress and reduced our social life into a sort of a stagnant cesspool.

It is often stressed by interested people that Hinduism and untouchability are hopelessly inter-allied, which is a negation of the entire social economy of the Hindus. Chapter 48 of the *Sabha-Parva* of the Mahabharata reveals an illuminating picture. After the *Rajasuya* Sacrifice the invited Brahmins were treated to feast served by Kungs of different countries—Chinese, Parsi, Sak, Hun etc. The *Yamasastra* had its basis on the division of labour and not artificial division of man according to birth. For the maintenance of a perfect social economy such a division was indispensable. It was never the injunction of the *Shastras* that one class or group was inferior to the other; all of them were respected because like the different limbs of a body, all of them were necessary component factors of the great Hindu social structure. Hinduism can throw a challenge to the world in this respect, because no other country could ever evolve such a perfectly harmonious social economy based on mutual respect and toleration.

In the matter of inter-caste marriage it is worth while to reproduce what Professor Radhakrishnan said in his *Hindu Faith and Life* :

The Hindu thinkers perhaps through a lucky intuition or empirical generalisation assumed the fact of hereditary and encouraged marriages among those who are of approximately the same type and equality. If a member of a first class family marries another of poorer antecedents, the good inheritance of the one is debased by the bad inheritance of the other, with a result that the child starts life with a heavy handicap. If the parents are of about same class, the child will be practically the equal of the parents.

Mental affinity may be possible in a marriage based on love but perfect harmony is more likely to be unattainable where there is a wide gulf in matters of habits, environment and culture. It is true that a woman is more adapting in nature than man, but then there is limit to everything. Perhaps it will be admitted that Prof. Radhakrishnan's analysis is a great argument against inter-caste marriage. Harmony between individual and social good, that is what Hinduism has always striven for. It does the same even to-day. Those who advocate inter-caste marriage only think of individual happiness or the shadow of happiness without ever caring for social and collective welfare. When such marriage becomes inevitable for any reason whatsoever, it should be the duty of the Hindu society to maintain silence. It is the duty of social reformers to judge whether time has come for Hindu society to support inter-caste marriage.

Feminine progress is an inevitable factor in modern Hindu society. Where there is woman there is God; this is the Hindu conception of woman. In Hindu society man has honoured woman as best as he could, has worshipped her as goddess, made her the absolute mistress of his home and shared with her the fruits of religious and spiritual life. But to-day what a different spectacle the woman offers. Drunk deep from the cup of modernism, the Hindu woman has revolted to-day and has accused man of selfishness, cruelty and debased passion. Pay for her whose has such an experience of man. But instances of ideal married life are not wanting in Hindu society. It is true that ignorance and superstition have in some cases made woman slaves to necessity but that is not the whole picture. It is undeniable that there are temperamental and physical differences between man and woman, and if in disregard of their fundamental inequalities the Hindu woman sets out to race with man, and in the name of modernism, rushes down the path of lapses and delinquencies, then the days of Hindu society are indeed numbered.

Let woman claim the rights that are necessary for her evolution. Free marriage, without interference from parents or relatives, with its good and evil, is even permissible. It is necessary however to keep in mind that everything is good in its

own place. Needless imitation, merely for the sake of imitation, can lead a society nowhere except to ruin. Let not our women deceive themselves with pious wish for revolt which is not genuine.

Hindu widow is an object lesson for piety, self-control, spirit of service, selflessness, and kindness of heart. Upon her depends the entire well-being and the responsibility of a family. In her ideal life of selfless service a Hindu woman can challenge any woman of any society in the world. But at the same time it should be the duty of any responsible Hindu to see that young widows are given away in marriage, for this has been enjoined upon by the Shastras.

Another question that is causing much concern, and quite legitimately, among the Hindus, and indeed among all those who feel that in the future constitutional re-adjustments, a good and true foundation should be laid in the provinces, is the question of the re-distribution of Provincial boundaries. There can be no question that as far as possible, in fixing boundaries, people who are culturally, racially and linguistically united, should find themselves in the same provinces. And this view has met with recognition at the hands of the Statutory Commission, which recommended that before the constitutional changes actually came into operation, a Boundaries Commission was to be set up, which would settle provincial boundaries on the right lines, in accordance with the above considerations. And Bengal particularly has a very long-standing grievance in this respect. Hardly had the sore of partition of Bengal healed, Manbhum, Singbhum, Purnea, Sylhet etc. were incorporated to other provinces and cut out from the main stream of Bengalee life and sentiment, and further placed under various handicaps in the provinces where they happened to be placed. The Bengalee-speaking communities in those out-laying areas are virtually derelicts. We all expected that there would be a Boundaries Commission. But we heard the other day that the Government was not going to do anything of the kind but was merely setting up two committees for two particular provinces, viz. Sind and Orissa. I would call upon my fellow Bengalees to awaken the authorities to the urgency and seriousness of the problem.

Conversion and re-conversion are sanctioned by the Hindu religion. It is evident from the account of the Bratvashtoma Sacrifice mentioned in the *Tandya Brahmana* that even an entire community used to be converted to Hinduism. Debat Smriti says:—It should also be the duty of Hindu society to see that women seduced and carried away by force, men or women converted through temptation of wealth, find a place back in their former positions. It will be quite fitting to remember the creed of universal love that Sri. Chaitanya preached for all castes and creed, to make a common pulpit for erring and suffering mankind. And we all know, up till this day everyone dines out of the same plate at the shrine of Jagannath. What we want is this Religion of Universal Love of Sri Chaitanya. Hinduism is essentially a liberal faith and a Hindu should therefore take up social reform with a heart, that is wide and eye that sees far, ignoring the heat and frenzy of the moment.

So far as I am able to judge, it should be the principle duty of the Sabha to preach this universal and extremely accommodating character of Hindu religion. This healthy propaganda should be carried on in villages and cities by openly preaching and distributing literature as also by other popular methods. This universalism of our religion, if rightly and effectively interpreted is sure to catch on the imagination of our people who will at once realise their own greatness and through it the greatness of others. But let it be particularly noted that this work of propaganda should be entirely free from rancour or jealousy towards other great religions of the world.

In the struggle for national responsible Government in which India has been actively engaged for over a quarter of a century, one question that has started us in the face has been the communal question. And in the effort to solve this question and to harness the activities of all communities in the national struggle, there have been attempted a series of pacts and agreements whose net effect has been the reserve of that intended and has been the aggravation of communal bitterness and the trotting out of preposterous communal claims. It is high time that instead of trying patent remedies, we should try to diagnose the real disease, find out the true etiology and administer radical treatment. Nothing else will meet the requirements of the situation.

And it is in the fight that it can put up in furtherance of the forms of light and progress that the Hindu Sabha will have supreme justification. And hence it is

that I sincerely rejoice that by its bold and uncompromising Delhi manifesto on the communal issue the Hindu Sabha has definitely and finally rejected all vain attempts, all short-sighted attempts, to patch up some sort of make-believe unity for temporary end and has decided to hold aloft the banner of a common composite nationalism in India. My appeal to the Hindu Sabha is to uphold that glorious banner unswervingly, unflinchingly and my appeal to all countrymen, Hindus and Mussalmans alike, is to rally to that standard in their millions for the success of the nationalist cause. I do not mean anything ironic when I invite my Moslem brethren to support the Delhi Manifesto of the Hindu Mahasabha, for you will be surprised to hear that the said manifesto does not aim at maintaining any exclusive privilege of the Hindus if such there be indeed it does not even mention the word Hindu in any of its numerous clauses:—perhaps some Hindu communalist may even say that applied to certain provinces like Bengal, for instance, it does away with a safeguard perhaps essential to the Hindu community—but there it is and there it lies, the great charter of the composite nationality that is going to be built up in India of the future, the *Magna Charta* of the minorities that has been enunciated at Delhi for the formation of a modern national state. I am under no illusions as to the difficulties that lie in our way. There are rocks ahead and in quarters where you least suspect it.

And in these difficult days those who are stirring up communal poison are indeed objects of national shame. At the altar of this communal frenzy hundreds of innocent people had to be sacrificed at Kishoreganj, Dacca, Pabna, Cawnpur and Benares. Communal frenzy, whether Hindu or Mahomedan deserves unmitigated condemnation. It is the duty of every educated Hindu and Mussalman to see that the mischief mongers who exploit the ignorance of the helpless mass of our people and incite them to human slaughter merely for the sake of it, find no place in society and are punished for their inhuman cruelties and brutalities.

The present communal trouble I believe, however is merely a passing phase. It is true that when the Muslims first came to Hindustan and conquered it the Hindus had to suffer much in the desecration of temples and other forms of oppression, but ultimately after the conquerors had settled down in this country, the two communities lived in perfectly friendly terms, they even respected each others' gods and developed a splendid spirit of toleration. Hinduism manifested itself in the birth of a new nationalism. When Islam will realise itself in a new consciousness of nationalism, which is already in the making, we will again witness the reunion of the two great communities. And that day is not very far.

The problem of electorate is now-a-days insuperable from the Hindu-Muslim problem. The Mahomedans with the exception of the Nationalist Muslim party demand separate electorate and reservation of seats in legislatures. This demand of things clearly goes counter to Indian nationalism and involves two questions, namely, a separate Muslim India and the conception of a pan-Islamic empire from Constantinople to the Punjab. I hope I won't be misunderstood if I say that these dreams, if not openly trumpeted, are cherished by many of our Muslim brethren.

The implications of such pan-Islamic ideals require thorough understanding not only by the Hindus but also by the Government. Such claims, if supported, will not only witness a reverse for Indian nationalism but will permanently prove a death-knell to an united self-governing British Empire.

India belongs neither to Hindu nor to Mussalmans—it belongs to Indians alone. Realisation of this noble ideal of nationalism alone can see an end of all talks of communal problem. If Indians, as a nation, can rise above communal jealousies and demand self-government—supported by unity of all communities—only then alone will our dreams of Nationalism be realised. The future constitution of India, if and when it is formulated with an eye to the good of the country, must be based on the fundamental principle of Nationalism and not on communalism. A nation weakened by a thousand divisions has absolutely no right to claim self-government. All of us, Hindus and Mussalmans, must not forget that agitation for self-rule, if carried on single-handed, would not lead us anywhere and that we have been made the laughing stock of the whole world by our domestic quarrel and selfish scramble for power. Let us not forget again that the political future of the two communities are inalienably mixed up, and that any of them who will carry on opposition to the other in the pursuit of the unattainable, will do a great harm not only to its own members, but indeed to the whole nation.

Perhaps it will be universally admitted that communalism is born of anti-national propensities. Nobody will deny that the Hindus have a distinct contribution to the

political movements of India. I wish I could witness in my Muslim friends a competition in nationalism. Let my Muslim brethren come forward forget the past and join hands with the Hindus in the service of our common motherland. Let us respect and develop each other's religion and culture and social traditions, in fact all the essentials of our respective communities : but let us not insist on the non-essentials of our life which may cause a just cause of grievance to each other and in so doing let us erect a mansion of Hindu-Muslim unity which will remain as a standing testimony of our love and toleration for all time to come.

When this domestic quarrel has ended the Hindus will realise themselves in larger generosity. Let the Hindu Sabha look to the future and shape its programme of action accordingly so that the Hindus may develop their individuality and distinctive culture harmoniously and with a greater degree of success. As I have said before, let us, in order to achieve this end popularise our history and traditions to the mass of our people. Let us preach our cultural individuality and 'Dharma' to our people, not the 'Dharma' that we generally know of, but 'to which, in the words of Sister Nivedita, is the essential quality, the permanent, the unfluctuating core of substance, the manness of man, the likeness of life as it were to the Artist is Art, to the man of Science is Science to the Monk is Vow' (The Web of Indian Life p. 179). We shall have to be conscious of this universal character of 'Dharma' and through our own realise the 'Dharma' of other. As Bernard Shaw said in his *Gentling Married* (p. 288) 'Religion is a great force, the only motive force in the world but that you must get a man through his own religion and not through yours.'

With this consciousness and this idea of 'Dharma' the Hindu will start out to purge not for his own benefit heaps of rubbish of religious bigotry and narrowness that have accumulated all over the world. Disbelief and atheism of the West have brought distress to mankind, who are suffering from intense mental laceration. It is the duty of the Hindu of to-morrow to preach the message of peace, good will, happiness, faith and courage, the message of universal good which our ancient philosophy and wisdom once so splendidly did. Let the world once again hear the message of our hermitage, the most glorious soul-enthraling message.

After the presidential speech was read *Dr Moonje* was requested to speak to the audience. He gave a very nice little speech in English stating the supremacy of military education in India and related his personal experience gained in course of his recent European tour. He said that Indians were regarded in other countries of the world as docile and most easy-going and in some places as incapable of defending themselves. They were honoured as philosophers and thinkers but at the same time were regarded physically unfit for the present day world.

He then described the attempts he had been making for all these years to make military training a part of compulsory education in India.

After Dr. Moonje had finished his short speech *Babu Jagatnarain Lal*, General Secretary of the Hindu Mahasabha, was requested to address the audience. There were cries of Hindi from one quarter, English! English! from another. He said, he would speak mainly in Hindi and summarise his speech in English at the end. He said :—

"Painful events happened at Calcutta and other places in Bengal which opened the eyes of the Hindus of the province to their utterly helpless condition and the need of consolidating themselves for the sake of the protection of their honour, religion and self-respect.

Since after that, within the last few years, the Hindus of Bengal led by some of the best brains of Bengal like *Sri Ramananda Chatterjee* and others, several of whom are present here also, have realised the significance of the movement and lent their full support to it. *Sri Ramananda Chatterji* presided at the Surat session of the Mahasabha and only a few months back in March last presided at the Mahasabha Working Committee in Delhi and met Mahatma Gandhi in deputation to explain the attitude of the Mahasabha and issued an important manifesto stating the position of the Mahasabha in relation to the Hindu Mahasabha and the constitutional reforms.

At the outset, I would speak on one point on which I have been thinking seriously. I find a strange mentality being developed amongst some educated

Hindus to the effect that "Hindutva" and "Nationalism" cannot go together—that they are irreconcilable. I consider this an extremely mistaken view. It is the duty of the Hindus to work for the regeneration of their community and culture as it is their duty to work for the freedom of their country. I work for both and consider it the duty of every Hindu to work for both.

This Conference is meeting at a most critical juncture when various vital issues affecting the Hindus and the country are at stake. It is not possible to touch them all in a short speech. Your president has already discussed most of them in his address. I would take this opportunity of protesting against the unfair remarks in which Dr. Ansari indulged when presiding at the Nationalist Muslim Conference. While extolling the Nationalist Muslim Conference to the skies with which he would have no quarrel if it remained at that he went out of his way to level unfair attacks upon the Hindu Mahasabha and Sikh community as well.

He is reported to have said that the Nationalism of the Hindu Mahasabha is only a cloak for its aggressive communalism. I want to enquire from Dr. Ansari who was it who went against and was responsible for the scrapping of the Nehru Report at the Lahore Congress? Is it or is it not a fact that the Hindu Mahasabha in spite of its strictly nationalist attitude accorded its support to the Nehru Report for the sake of arriving at a reasonable settlement of the Hindu Muslim question. When the Mussalmans led by the Ali brothers and others led their revolt against the support and the same was scrapped by the Lahore Congress the Mahasabha reverted to its original nationalist position.

Does it then lie in the mouth of Dr. Ansari to say that the Mahasabha's nationalist attitude is only a cloak for aggressive communalism. The Mahasabha has issued its manifesto keeping strict nationalism in the administration of the country as its ideal. But it has never refused to come to an understanding and compromise that ideal for the sake of arriving at a reasonable settlement of such were possible. We did not speak so far and were waiting to see how far Muslim opinion could be educated and led along right channels by the recent movements going on amongst the Mussalmans. But is it not clear to every body that even the position of the Nationalist Muslim party which has been receiving encouragement in the country for the sake of bringing about an advance in the Muslim view is substantially the same except that separate electorates are given up. Separation of South is demanded, reservation of seats under the garb of reservation for minorities less than 10 per cent is demanded for the sake of Mussalmans in all the provinces in which they are in a minority and through the introduction of adult suffrage and representation on population basis the Mussalmans of Bengal and the Punjab are placed in a minority. Even the offices in the ministry are to be divided by a convention including even representation in the public services.

What is the difference then in substance between the demand of the communalist Muslims and the nationalist Muslims with the exception of separate electorates. We would have been content to watch the development of opinion amongst the Mussalmans but have been compelled to speak out on account of the unnecessary and uncalled for attack levelled by Dr. Ansari on the Hindu Mahasabha not sparing even the Sikh community.

Coming to the main work of the Mahasabha, I am pained to have to remark that the Mahasabha of late has been forgetting the vast constructive programme it has laid before it and has to carry out and fulfil. While the Mahasabha cannot but attend to the important issues affecting the vital interests of the Hindu community to day, I would urge that the constructive work which the Mahasabha has to carry out in the matter of the removal of untouchability, reclamation of Hindus, protection of the widow and orphans etc. should be given much more attention than is being given at present.

#### SECOND DAY—19th JULY 1931

The Conference met again on the next day, the 19th July, under the presidency of S. J. Ramananda Chatterjee as the President had to leave Burdwan for unavoidable reasons. This sitting was the most important of all the sittings of the Conference. The resolution disagreeing with the Congress scheme of communal compromise moved from the chair and supported by S. J. Mahitosh Roy Chowdhury and Babu Jagatnarainlal was carried without a stinge of discussion from any quarter. The president in a lucid language explained the object of such a resolution and described the situation which would follow the adoption of the Congress scheme

of communal settlement among the Hindus of Bengal and the Punjab. He left the Conference then proposing Dr. Sunity Kumar Chatterjee to the chair. The following is the text of the resolution :-

## THE RESOLUTION

"This Conference, while acknowledging that the scheme of communal compromise as proposed by the Working Committee of the Congress marks an advance towards a settlement on national lines, considers it unsatisfactory on the following grounds :-

(1) That it discriminates between Minorities of different Provinces and fixes in respect of the same an artificial and arbitrary limit of 25 per cent, evidently to exclude the important Hindu Minorities of Bengal and Punjab from the advantages of protection provided in the scheme.

(2) That it introduces the principle of reserved representation as a measure of protection for Minorities, for which there is no precedent in any Constitution of any of the Modern Civilised Nations of the world.

(3) That it has practically treated the essentially constitutional question of residuary powers as a communal question and has against the practically unanimous Hindu opinion decided that they shall rest in the Provinces instead of the Central Government, which is against the modern trend of Federalism.

(4) That it has treated the question of the separation of Sind apart from the general question of alteration of boundaries of provinces through expert examination by a Boundaries Commission, and that it has decided the question in utter disregard of determined opposition of the Hindus of Sind who will have to bear a larger proportion of the inevitable increased taxation in relation to their population as compared with the Moslems in Sind.

(5) That it has introduced the novel principle of minimum qualification for public service which is bound to affect the essential principle of maintaining the administration at a high standard of efficiency, irrespective of consideration of caste or creed, besides being uneconomical in that lower talents will be recruited at a higher price and higher talents placed at a discount."

*Mr. Mahdosh Ray Choudhury*, in supporting the resolution in a vigorous speech, explained point by point the defects of the scheme so far as the Hindus of Bengal and Punjab were concerned. He explained the inefficiency of the proposal of minimum qualification for public services and said that by adoption of the proposal an injustice would be done to the talent of people.

He said the Working Committee of the Congress perhaps did what was the best in the circumstances in which they were placed but with due deference to the great leaders, the speaker thought that their solution of the communal problem was far from satisfactory. The Committee had departed from the principle of nationalism in their anxiety to placate the Mahomedans, while by confining the special protection of the minority interests in their scheme only to those minorities who form 25 per cent or less of the population of a province they had done injustice to the Hindus of the Punjab and Bengal. In yielding to the Mahomedan demand on the question of residuary powers, the Working Committee had also made even a greater mistake. The speaker said that the Hindus were prepared to make all sorts of sacrifice for the sake of nationalism but if the high principle of nationalism was deviated from for the sake of the Moslem community, the Hindus of Bengal claimed the right to special protection of their interest.

*Babu Jagatnarainlal* delivered a very nice and exhaustive speech in support of the resolution. He dwelt at length on the merit of the resolution and brought the defects of the Congress scheme to the notice of the audience by facts and figures.

A resolution appreciating the spirit of patriotism of Dinesh Gupta and others, and condoling their deaths was moved and carried.

The Conference then closed the session.

# The Bihar Provincial Hindu Conference

The session of the Bihar Provincial Hindu Conference opened at Patna on the 26th. December 1931. Mr. Sachchidananda Sinha, ex-Finance Member, Chairman of the Reception Committee, in his address said that till the Hindu Mahasabha became a political body as well, Hindu public opinion either in negotiations with the Government or the non-Hindus always went by default, for the simple reason that the bulk of the Hindus at that time did not approach public questions from a strictly Hindu standpoint, even when it was called for. That was not, however, the case now. At the present moment through the medium of the Mahasabha and its affiliated provincial Sabhas, it was possible for all who might care to do so to obtain a perspective of Hindu public opinion as such clearly reflected. That to his mind was a great advantage in a country like theirs. In countries advanced in political conceptions and ideals like those of western Europe, where the vast bulk of the people were influenced in their judgment by considerations of purest patriotism, things stood obviously on a different footing from those in India of to-day, where to their dire misfortune some fairly large sections of the body politic had not yet passed in their mentality and political outlook beyond the range of purely communal considerations. In such a state of affairs, discussions of political problems under the influence of theories not wholly applicable to the actual conditions of life naturally led no-where, as they had recently witnessed in the proceedings of the Round Table Conference in London. In fact, the only result of negotiations carried on by the various political groups and parties acting under the influence of conflicting ideals and aspirations was nothing but disruption and disharmony in their public activities. It was, therefore, all to the good that there should be now in existence a fully organised and representative body like the Hindu Mahasabha which clearly reflected Hindu public opinion without any suspicion of its being dominated by pure theories having no relation to facts and absolutely remote in their application to the present political realities in this country.

In his presidential address, Bhat Parmanand said: The Hindu Mahasabha stands for nationalist principles, not because they suit the Hindus, but because they are the true foundations on which alone real national progress can be based. If these principles benefit the Hindus more because they are the majority community, that benefit is merely incidental. It is also natural, because the Hindus have been, and even now are the bulk of the nation of this country. To use the words it suits them is really very hard when Mahatma Gandhi knows that the Hindu Mahasabha demands received full support from the Punjab Hindu Sabha, although the Punjab Hindus are in a minority and as such these principles do not suit them. The Mahasabha and its principles have been supported by the views of the League of Nations and British and European statesmen. The Mahomedans put forth their claims as a minority, but what they actually claim is not protection from any possible disability or injustice. What they want is to build up a structure of positive privileges which would emphasise and perpetuate the aloofness of Muslims and lead to their progressive consolidation as a permanently alien group in the country.

## Resolutions

The Conference concluded its session on the 28th. December by passing several resolutions.

The Conference viewed with great concern and alarm the agitation carried by outside Moslems against the Kashmir State from purely communal considerations and expressed sympathy with the Hindu population of Kashmir for the immense loss of life and property as a result of disturbances. The conference feared that the Maharaja was yielding to the most unreasonable and aggressively communal demands of Moslems and requested him to remove such fears of Hindus by protecting the interests of Hindus within the state in an adequate manner.

The Conference supported the resolution of the Working Committee of the Mahasabha appointing a special committee to inquire into the grievances of the Hindu subjects of Hyderabad, Bhopal and Junagadh where the Hindus formed the majority of the population.

The conference was of opinion that the Hindus of Bihar forming 90 per cent. of the population of the province had been ignored by the Government in the matter of representation at the Round Table Conference and expressed extreme dissatisfaction at the same.

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# THE STUDENTS' CONFERENCES

## The Bengal Students' Conference

CALCUTTA—*Wed. 6<sup>th</sup> October 1914.*

*Mr. S. Satyapanta*, in the course of his presidential address at the Bengal Students' Conference, which opened its session on the *Wed. 6<sup>th</sup> OCTOBER* at Calcutta, observed:—

"A great deal of nonsense has been talked and written about the well-worn topic of students and politics. I will state my conclusions on the matter, for your careful consideration. I will make a distinction between students below eighteen, and students above eighteen. To students below eighteen, I will venture to suggest that they serve themselves and their country best, by keeping aloof from active participation in politics. I do not want them to be blind or deaf to what is going on around them. I want them to watch, see and listen. I want them to develop the great qualities of courage, patriotism and self-sacrifice. But they are too young to be of any use in politics at the age, and if they wait some time, and prepare themselves they will be of greater service in politics. Of course, I except those who feel the irresistible call of their country and do not like to stay at school or at college. They are the exception, and no general rule can bind them.

But with regard to students above eighteen years, I have no hesitation in saying that they will lose nothing, but will gain a great deal if they respond to the call even to take active part in politics. In their case I would utter only the caution. Most of them are dependent on their parents or guardians. They owe it to them to get their consent, before they break away from their moorings. Again I except those who feel the irresistible call. I am not impressed by the naive argument that their education will be spoiled. If education means as it ought to the training of the mind, the building up of the body and the fitting of a man to respond to the noble impulses in him, active participation in the politics of a subject country fighting non-violently for freedom is the very best education which any boy or girl can get.

In all provinces of India the one problem which stares educated men in their face is that of unemployment. There is no patent cure for it. Its historical inevitability must have been foreseen. It was not, hence the tragedy. Lord Macaulay's minute, which was the foundation of modern university education in this country, deliberately stated that the main object of education to be imparted to the natives was to train clerks for the East Indian Company; and in spite of many changes, some of them wholesome, our universities and colleges have largely remained clerk-manufacturing factories. The radical remedy for this chronic state of unemployment will come only with the establishment of Swaraj Government in our country. To-day the main avenues of employment for our educated men are only the overcrowded government and other offices, and the still more overcrowded profession of law or medicine. But under the Swaraj Government, the army, the navy, the air force, the mercantile marine service, the indigenous and foreign banks of the country, the great trading houses which will then come into existence, the industries which will then be established, agriculture which will then be radically improved and will flourish and many other spheres of national activity will offer ample field for the employment of the talent of the educated with of the country; I would ask you to wait in patience for that state of affairs; that is bound to come in two or three years.

Meantime, I would ask you not to waste your energy. There is plenty of work lying before. Deshabandhu Das had evolved a fine and well-thought out scheme of village re-construction in Bengal, which would have absorbed the energies of hundreds of our young educated men and women, and would have transformed our villages. The cruel hand of death snatched him away from us before he could mature his plans. But, if not on that grand scale, on a modest scale, it is still possible for you to spread yourselves in the villages and become centres of culture and usefulness. I am not painting a mere Utopia. I make a practical suggestion, which I should

like to carry out. Go and settle in a village, where you are not altogether unknown. Take some beautiful books, pictures, and a gramophone with good plates of good music with you, take also a chest of medicines, learning how to use the medicines. Learn the art of spinning and weaving, and the art of teaching it to others. Learn something about agriculture. Settle in the village, help the village folk to spend their evenings or their leisure moments with some happiness. Cure their ordinary ailments. Read the books, show the pictures and play the gramophone to them. Take interest in their affairs, help them to resist the petty tyranny of the small revenue, irrigation and police officials. Represent their grievances to the higher authorities, help them to keep the village clean and sanitary, help them to fight epidemics, teach their children in a small school : by and by you will find a place in their hearts, and also in their purses. It is not going to be easy work, to begin with. But I am confident that, if tried on a proper scale and with sufficient patience, it is bound to yield very good results. Anyhow, under the Swaraj Government, we must have a five-year or a ten year plan, to transform our villages into living, virile healthy units of a free resurgent nation. You may be pioneers in that work.

The fashion in India to-day, with some people, is to think always and to talk sometimes of Bengal as the hot-bed of violence. It is a label on the fair name of Bengal. Her sons and daughters are so recklessly patriotic that some of them resort to deeds which are violent. But they form a very small microscopic minority. I am not a philosopher. Therefore, I will not indulge in the ethics or the non-ethics of violence, as opposed to non-violence. That is too profound a subject for me. For is it possible for me to say that violence has always been ineffective and non-violence alone effective ? On the other hand, the history of man up to the year of grace 1931, illustrates only one increasing purpose viz. that violence is to be the ultimate arbiter in the affairs of nations. But there is one streak of light in the otherwise dark clouds of human history viz. that men are slowly learning that it is better to count heads than to break them, even in the affairs of nations, just as they have learnt that lesson slowly and painfully, in the affairs of the individual.

But while other nations may take their own time to learn this lesson, India has made her choice and, in my opinion rightly, under the leadership of Mahatma Gandhi, to use only the weapon of non-violence, in her struggle for freedom. There is principle behind that. India struggles for her freedom, not only for her own self, but also for the sake of a war-weary world. She wants to give to the world her age-long message of "peace on earth and goodwill to all men." She cannot do so if she was her own freedom through violence, for the sake of the world.

She is also pledged to non-violence for her own sake. Fortunately or unfortunately, India to-day is a land of differing creeds and castes. That she may be welded into one strong willed nation is the hope of every lover of the country. Non-violence is the easiest platform on which they can so unite. Communal violence is the worst form of violence ; and once it is allowed to spread the prospects of Indian nationhood will recede rapidly into the background.

A foreign irresponsible Government will always find it difficult to fight violence in a subject race. A Swaraj Government, backed by public opinion, can alone deal effectively with violence. Those of us, therefore, who desire that violence should disappear in this country at the earliest possible moment, must pray and work for an honourable and peaceful settlement being arrived at between Great Britain and India at the Round Table Conference. That will be the radical cure for violence. If Mahatma Gandhi be allowed to return, empty-handed to India, God help Great Britain and India.

I am anxious that we should be clear in our minds, as to what we want. Some of you may have followed the recent controversy in the columns of "Young India" between Mahatma Gandhi and myself, on this matter. Do we want political power or reforms ? My answer is emphatic. We want political power to rule ourselves as we wish. I am glad that Mahatma Gandhi has expressed the same sentiment in England. He wants power for his countrymen "even to sin." The point can admit of no doubt at all. If, to-morrow, Great Britain were to make India dry, prohibit the import of all foreign cloth, help agriculture considerably, establish industries and banks in the sole interest of India, and add to the wealth of the nation, even then, I would not acquiesce in the continuance of British rule in this country. For, I would rather be a member of a free nation, some of whom drink alcohol, some of whom dress themselves in foreign cloth, and which is no very rich, rather than a member of a nation of slaves, none of whom drinks, all of whom

wear khaddar, and where wealth accumulates, but men decay. Clear thinking on this matter is essential.

There is one constructive method of nation-building work, in which you should all take part to-day. Communalism is the poison which is corroding the body politic of India. It must be ruthlessly cut out. You must learn to think, speak and act in terms of the nations. In the secular field of Government, there is no room for caste or community. The modern State taxes, legislates, polices, judges, fights, and discharges obligations of social service for all citizens irrespective of their caste or creed. The prosperity and adversity of the State affect all citizens irrespective of their caste or creed. The efficiency of the individual alone counts in the modern State, and not his antenatal accident. When India gains freedom the services of communities will be assessed, if at all, not by the title holders and by the toadies among them, but by the number of brave men and women who sacrificed themselves in the struggle for the country's freedom. Communal minorities have nothing to fear, under a democratic government, if their religion, culture, language and customs, so far as they are not inconsistent with public order or morality are statutorily protected, as they will be in Swaraj India. Majorities in Indian Legislatures will not be communal, but will consist of all communities. Separate electorates cannot soften the rigors of majority rule, if the majorities be communal. No separate community can prosper, if the whole country suffers under foreign rule. Communities do not advance by some of them getting high office or title. When the whole country prospers under Swaraj, every community also will. These are fundamental elementary truths, but some communal leaders are deliberately made to forget them. I appeal to you to whatever community you may belong to spread these truths far and wide, and to exorcise the demon of communalism from the country.

I need not elaborate, to a student audience in Bengal, the need for Swadeshi and the boycott of all foreign goods. This is intended mainly as an economic weapon. Boycott has been and may be used again as a political weapon. But, to-day under the terms of the Gandhi-Irwin pact, we cannot and we do not advocate the boycott of British goods as such. But we are entitled and bound to preach and practise Swadeshi. We must go in for Swadeshi goods wherever possible, and as far as possible. We must boycott all foreign goods. The only exceptions, I would make, are medicines, books and necessary machinery for our industries.

We are all to-day talking of the Indian Federation including the Indian States. Mahatma Gandhi is extremely nice to the Indian Princes, and does not mind their coming into the Indian Federation, retaining small autocrats in their own States. But the Maharaja of Bikaner does not respond. He lays down impossible conditions. I personally feel that the Indian Federation must stop with the Indian Provinces leaving it to the Indian States to come in, if they want to, on the following condition, viz. (1) that the fundamental rights of citizenship are guaranteed statutorily to the people of the Indian States, entering the Federation, (2) that redress in this matter is available to the people of the Indian States in the Federal Supreme Court and (3) that the representatives of the Indian States to the Federal Legislature, at least to the Lower House, are elected by the people of the Indian States. What will happen in this matter is too soon to say. But I am not very enthusiastic about a Federation of all-India just now. I am also clearly against the proposal to vest the residuary powers of the Federation in the Federating units. The centrifugal tendencies in our country are so great, and the centripetal forces yet so weak that I am anxious that no step should be taken which will strengthen the former and weaken the latter. There is, however, one direction in which you can help the triumph of Indian nationalism over narrow Provincialism. Be proud that you are Bengalees, but be prouder that you are Indians.

After Swaraj is obtained, we shall have to fight many enemies inside and outside our country. Satyagraha and non-payment of taxes and disobedience of laws are all very well, when we are fighting foreign bureaucracy. But I dread to think of the future Swaraj Government if it has to continually fight among its own citizens, Satyagrahis, passive resisters, and law-breakers. There is a dangerous doctrine to-day that Satyagraha is a more potent weapon than the ballot box. It may be or may not be: but no civilised Government can exist, if every citizen thereof claims the right to decide for himself whether a tax should be paid or not, or whether a law should be obeyed or not, and acts accordingly. A Swaraj Government can function efficiently, if its citizens learn that majority rule must be obeyed, so long as the

minority is given the fullest right to convert itself into a majority. The majority may become so tyrannical, the minorities may be justified in resorting to passive resistance. But that should be an exception and not the rule. You have great work in propagating the sound doctrines. I invite you to do so.

## The Bihar Students' Conference

The Bihar Students' Conference was held at Arrah on the 20th. October 1931. As *Manish Iswar Saran*, the president, could not be present at the Conference his address was read on his behalf. The following is the text :—

Mr. Chairman and Friends—Never before in modern times has India been so deeply stirred as she is to-day. The idea of freedom has caught her imagination and for its attainment and retention an ever-increasing number of men as well as women is ready to go through every suffering and to make all sacrifice. The spirit of freedom pervades not only the realm of politics but is making itself felt in many other departments of our national thought and activity. Old ideas are crumbling and tradition is losing its sway. A new hope and a fresh faith are inspiring our hearts and there is visible on all sides a solemn determination to revive and increase our past glory. The atmosphere is filled with the spirit of service and sacrifice. A session of your Conference held at a time like this has an importance all its own and I am very grateful that you have called upon me to tender you such little assistance as I can at this important juncture. I prize the honour that you have been pleased to confer on me.

Freedom is coming, but do not forget gentlemen, I pray you, the serious responsibilities it entails. Those who by severe preparation and strict discipline do not equip themselves for the right exercise of freedom often make a mess of their country and its future. History contains instances where liberty has degenerated into license, license has led to chaos and chaos has brought about the extinction of freedom itself. The retention of freedom, I beg you to remember, is far more difficult than its acquisition.

What then is the task before you? Those of you who truly long to be the soldiers of freedom no other aim is really worth having must first of all liberate your minds. Don't yield unquestioning obedience to authority. Don't allow tradition to frighten you. Don't follow blindly any man however great. Don't accept anything on trust. Examine carefully any idea that is placed before you. Welcome all that is good, reject all that is evil. Believe me, no country in the world has been a greater victim of tradition than this unhappy land of ours. And no community has suffered more than the Hindu community from the carping and degrading effects of tradition and custom. At every step and in all directions tradition mocks us and without any resistance we succumb to its tyranny. The tragedy of the situation is that even educated men invent arguments, mind you, all of them are not insincere, in justification of every absurdity and their enfeebled minds seek shelter in some book of hoary antiquity. I venture to submit that no book, however ancient or authoritative, should be allowed to convert human beings into slaves who dare not exercise their reasoning or critical faculty. I am happy to find that Mahatma (Gandhi) who, according to his own declaration 'believes in the *Vedas*, the *Upanishads*, the *Puranas* and all that goes by the name of Hindu Scriptures and therefore in '*Avatars* and 're-births,' is not in favour of surrendering our judgment even to our *Shastras*. Says he, 'I shall not make a fetish of religion and I cannot justify any evil in its sacred name. I have no desire to carry one single soul with me, if I cannot convince him by an appeal to his reason. I shall even go to the length of rejecting the divinity of the most ancient *Shastras* if they do not appeal to my reason.' Pray do not misunderstand my position. I yield to no one in my admiration of and loyalty to Hinduism which I consider to be the most precious heritage of our race. The world is waiting for its message and it is for us to carry it to far-off lands. But make no mistake. The Hinduism which will enrich the world is the Hinduism which ennoble and inspires and not the Hinduism which demands unreasoning acquiescence from its votaries.

Some of us—happily their number is fast diminishing—have transferred their allegiance from one tradition to another. The tradition of the West they have substituted for the tradition of the East and in the name of culture and enlightenment they perpetrate shocking acts of vandalism. While they decry our own institution, they dare not question even the most trivial rules of Western etiquette. Their foreign mode of thought, foreign garb and foreign tastes should be objects of profound pity. Little do they realise that blind imitation is the surest proof of what Mahatma Gandhi has called 'slave mentality'.

It should be your aim and endeavour to destroy this mentality. Free India will need institutions which will foster and develop freedom and for the construction for a new order of things, the first requisite is the capacity to think fearlessly. Our past—to deny its greatness is to betray gross ignorance—should spur us to strenuous activity in order to make the future mightier than the past, but to hold that our past was perfect and free from all blemish is to ignore the law of evolution. On the other hand, the humiliating craze for imitation of the West and a sub-conscious desire to convert India into another Europe is a new and more dangerous malady which should be ruthlessly exterminated. Remember friends, the world is in sore need of India which will have the wisdom and courage to think its own thoughts and to live its own life. India loses all value if it is to be only a faint and feeble copy of the West. The world wants originals and not copies. It should be your ambition and pride to give to humanity the India that again in the future as in the past will make its own distinct and distinctive contribution to the enlightenment and advancement of the world.

If you break away from crude traditions and senseless customs of recent growth your ideas about sex will necessarily undergo a deep and radical transformation. You will realise that woman has as important a function in life to discharge as a man. It is a crime to impede her self-realisation and self-expression. It should be your privilege to resist her to fulfil her destiny. Friends I beg you to consider the colossal stupidity and cruelty of the attitude of many of us men who feel inclined to dictate to woman. I respect and admire man's anxiety to serve woman, but I fail to appreciate his wish to dominate. If you desire to view this problem in its true perspective you will have to make a long and sustained mental effort to change your angle of vision. Our minds for long have been running in a particular groove to alter their course and direction.

I shall make it I may one or two concrete suggestions in this connection to provoke thought and even controversy. You have to create such an atmosphere that no woman should ever feel the slightest sense of insecurity in any public place or conveyance. Every woman should be heartened by the conviction that as long as there is one single educated young man alive and as long as he can help it, no harm or insult can befall her. Every young man should be eager to spring forward to the rescue of a woman, regardless of all personal consequences to himself. This sense of security will be the most effective means of abolishing *pardah*. I venture to hope that there is no young man present here to day who upholds the horrors of *pardah*. Apart from other considerations if we want to live we must banish *pardah* from our midst: it is inhuman. Who does not know that thousands of women die of phthisis every year because we in our wisdom have decided to keep them shut up in houses where air and light have not much free access? Strange are our notions of respectability! The greater the respectability a family claims, the greater the rigidity with which it observes *pardah*. No Hindu can have the hardihood to assert that this wretched practice has any religious sanction behind it, blind custom and agonising cowardice alone are responsible for its continuance. With the disappearance of *pardah* girls' education will become more real and liberal. The growth and spread of girls' education will force a change in the laws of marriage and the rules of inheritance. It will give a new position and a new status to our woman who will become as great upholders of India's dignity, honour and freedom as men themselves.

Not a whit less urgent is the crusade that you have to carry on against communalism. Friends, it is a humiliating confession to make, but truth must be told. The nationalism of most of us is only skin-deep. You scratch a nationalist and you find a communalist. And what is infinitely worse is that Hindus among themselves are hopelessly divided. Can we honestly say that, for instance, a Bhumihar Brahmin regards a Kayastha as his brother or a Kayastha makes no distinction between another Kayastha and a Vaish? Who does not know that during elections not a few of us try to take advantage of this separatist feeling? Who does

not know that in matters of appointments this feeling sometimes makes us commit jobbery in the name of adequate caste representation? Do not some of our ministers, legislators and public men, most of whom are graduates for their own ignoble personal ends fan the flame of communalism? Would not at least some of our so-called leaders who have manoeuvred themselves into the lime-light drop into utter oblivion and absolute nothingness if they ceased to take advantage of and encourage communal bitterness and strife? It is my deliberate conviction that our educated men cannot escape their share of responsibility for the growth of communalism. Happily, in villages, comparatively speaking, this deadly poison has not produced its pernicious effects as it has done in large towns and cities. But if immediate and stern measures are not adopted, I am afraid, there will be such a conflagration in the country that it will consume all our hope for the future.

In pleading for nationalism I am not thinking, I assure you, of the present fight for Swaraj. A nation's greatness is not founded on the decision of any Round Table Conference: it is dependent on the attitudes, capacities and virtues inherent in the nation itself. It is up to you, gentlemen, to take a vow that in all civic matters you will not allow religion, race or caste to influence your judgment or action. Do not think in terms of caste or community. Every Indian should be equally dear to you. A Brahman or a Dom, a Muslim or a Christian, an Anglo-Indian or a domiciled Englishman: indeed, every one born of the common mother should have equality of rights and opportunities. It is a crime to make distinction between one Indian and another on grounds of race, religion or caste. Unless this feeling becomes real, all talk of nationalism is sheer hypocrisy. Remember, our salvation lies in nationalism: communalism will only lead to our destruction.

You, friends, can make a beginning at once. Begin to think as Indians. It will require, believe me, terrible effort to do so. The surrounding atmosphere is saturated with communalism and it is by no means easy to resist its baneful influence. You should be prepared to meet with failures and disappointments. Do not be daunted or disheartened by them. Keep your faith in nationalism undimmed. Let not the communalism of your friends and colleagues throw your mind out of gear. Do not say, as alas, so many actually say, 'I have been acting honestly and sincerely as a nationalist but so, and so has been, thwarting me as a communalist.' My friends call me an impractical visionary or a fool. Very good. I shall suffer no longer. I can be as great a communalist as he. Poor is the faith in nationalism which crumbles in pieces at the first touch of communalism. In your schools and colleges, in your debates and games, in your social and other activities, recognise no distinction of caste or creed and thus lay the foundation of that nationalism, as in after-life will survive all shocks.

Some of you gentlemen may perchance feel inclined to find fault with me for dwelling on what might be considered to be extra-educational questions but if there are any such crimes I desire to tell them in all humility, but with perfect explicitness that I beg to differ from them. Education according to my conception, is only a means to an end and not the end itself. The aim of education is bound to change with the varying needs. It is, therefore, easy to contemplate that at a given moment in the life of a nation one particular aspect of education more than another may need special insistence. Far be it from me to under-estimate the value of intellectual studies, investigation and research, but I, for one, for at least for some time to come, would unhesitatingly devote the major portion of my attention and energy to the development of character. Let the character be improved and I doubt not scholarship and research will not be long to follow. It is a delight again to quote Mahatma Gandhi. In replying to the address presented to him by the French students at Marseilles he observed, 'Real education consisted not in packing the brain with so many facts and figures, not in passing examinations by reading numerous books but in developing character. Very rightly, if I may say so with all respect, he said in the same speech, 'a nation loses its liberty owing to some of its own weaknesses, and we find that immediately we shed our weaknesses, we regain our liberty.'

I have been interested in education and connected with educational institutions all my life and as one day succeeds another the conviction grows deeper and stronger in me that character lies at the root of all progress and all success. It is nothing short of a tragedy that character-building does not receive that attention at home or at school or college as it should. The parents are satisfied if their young hopefuls creditably get through some public examinations and the worth of an educational institution is measured by the percentage of its passes. I am surprised

that the result of this neglect is not more deplorable than what it actually is. Does it not happen that a lad secures a first place in his class but is unwilling or unable to protect a tiny little fellow who is being bullied or ill-treated by some big boy? What is worse is that he is unconscious of his duty to his younger or weaker brother. Does it not happen that a man tops the list in the B. A. or B. Sc. examination but refuses to go even to Burma or Ceylon—not to mention more distant lands—on a good salary and with excellent prospects? He lacks that energy and initiative as will impel him to think of untrodden fields. Anything unfamiliar is beyond his ken. The present unemployment of the educated classes is the result of diverse causes but I venture to submit that lack of enterprise is most certainly one of them. The spirit of adventure, capacity to take risks, the courage to face difficulties and the determination to conquer them would, I assure you, make you better men and citizens as well as improve your prospects.

There is one aspect of this question, gentlemen, which you will pardon my saying, fills me with indescribable pain and anguish. You make eloquent speeches and write slashing articles condemning social evils but very seldom, if ever, you consider it your duty to translate your views into action. You attack the system of *tilak* and *jabe*; but you yourselves directly or indirectly become parties to their demand and acceptance. You know as well as anybody else that this pernicious custom is ruining many poor families and is blasting the lives of many girls and still you do not feel called upon to take practical steps to save the people from this ruin and humiliation. You deceive yourselves when you say that the responsibility is not yours but of your parents. How many more Snehlatas will have to burn themselves to death before your conscience will be aroused? It is my unalterable faith that the agony of these unhappy girls and their families goes up to Heaven and calls for curses on those who directly or indirectly countenance or encourage this abominable practice. A young man with character would say with folded hands and with most genuine and profound love and respect, 'Father, I am ready to do anything at your bidding but not even for you am I prepared to participate in this social crime. This shame is not possible.' Take another example. You rail at *purdah* but do not possess the courage to take out your little sister even for a walk in the open air. What is the value, I ask, of all your talk of manliness if you do not have the nerve to put up a strong fight against evil? Purify and strengthen your character, because India needs men and not spineless individuals.

Intellect is of course very valuable but do not please exaggerate its importance. Intellect alone will take you neither to success nor to distinction in life. It is character, taken in its broad and comprehensive sense, which elevates a man and a nation. Have you ever paused to consider why a tiny little island in the Atlantic is one of the most dominating factors in the modern world? Why is England great? I do not know what answer others may give to the question, but my answer is short and simple, because her sons and daughters have character.

During my several visits to England I have been struck not only by the character of English boys and girls but also by their physique. I do not forget that they are rich and we are distressingly poor. I also remember that they have a colder climate than ours, but after making allowance for these circumstances we must acknowledge that they attach far greater value to health than we do. Look at this problem from any angle and the conclusion is inevitable that a boy or a girl owes his or her first duty to his or her body. How many of our young men and women systematically try to make their bodies strong and beautiful? Friends, physical beauty is a thing not to be despised.

Permit me to pause for a moment here and make a submission to those who feel horrified at the very idea of our girls going in for any physical exercise. I humbly ask them if the bodies of boys and girls are so different in constitution that the former needs exercise but the latter does not. Why, in the name of common sense, should girls be prevented from improving and strengthening their bodies more particularly when they have to bear the strain of child-birth? We have begun to establish girls' schools but very seldom we think of providing them with play grounds. It is for you to fight this prejudice down.

But even in the case of boys there are not a few parents as well as teachers who grudge the time spent over physical games and exercises. This attitude is responsible for the death of so many of our distinguished men in the prime of life. A man at fifty begins to expect the visit of the angel of death and nervously waits for him. His relations and friends look upon him as an old man past all work. He himself

talks as if he is half-dead. I want you, gentlemen, to avoid this fate. You can do so provided you start from now looking after your bodies. You should create such mentality that the feebleness or flabbiness of the body may be looked upon as a disgrace and a humiliation. Your muscle should give you as much satisfaction and pride as your first-class first at a University or some other public examination. May I in this connection relate the experience of an Indian youth at a British university? He applied for admission and the authority concerned was reluctant to admit him. He produced all his certificates and testimonials but they created no effect. In sheer despair the young man blurted out that he had been the captain of the hockey team of his college. Instantly came the remark, 'Oh! that alters the situation.' The applicant was admitted. Has not this a lesson for you and your teachers and guardians?

The next topic, I ask permission slightly to touch, is discipline. Remember friends, I want you to submit to no tyranny of any shape or description. I fully realise my responsibility and anxiously weigh my words when I say that you should rebel against any authority which is designed to crush your independence and manliness. Tyranny masquerading in the garb of discipline should be fought against and shown no quarter. At the same time I beg you to appreciate the value of true discipline. A body of undisciplined men is a mob and it becomes an army only when it is disciplined. You cannot lead if you have not learnt to obey. The lack of discipline and organisation makes our corporate life feeble and ineffective. What can you expect where everybody is a law unto himself? What would happen to an army if the private refused to follow the captain? What would happen to a hostel if the hostellers set at naught the authority of the warden? What would happen to a college if the students defied the principal? The plain answer is disorder and disruption.

Closely allied with discipline is the question of organisation. For national success, organisation is absolutely essential. A nation that is disorganised has not the ghost of a chance of making its mark in modern world. An Indian visitor to the West is vastly impressed by the organisation that he sees all around him there. Go to any place and you will find unmistakable evidence of organisation. I shall ask you to make a beginning. Organise your clubs and other movements. The lesson learnt now will stand you in good stead in after-life.

I have purposely placed before you, gentlemen, only a very few ideas in the hope that you might confine yourselves to them during the next twelve months. Concentration is essential for success. Suppose you take up the question of physique and *fit* and *pace* at this session. Throughout the year work devotedly for the improvement of your bodies and for the destruction of the hated system of dowry. At the succeeding session consider the progress made and then decide if you will take up any fresh questions or will continue your present activities. Allow no resolution to exist merely on paper. Every resolution that you adopt should register your solemn determination to put into practice some resolve of yours. Let not your Conference be like so many other Conferences which begin and end in talk. Insincere talk disgusts the listener and debases the talker.

I know I have spoken strongly but I hope I shall be forgiven if I assure you that I have felt equally strongly.

The leaders of the future will come out of you and others like you. Prepare yourselves for the destiny that awaits you. It is your great good fortune that you will live in the New India which is being born before your very eyes. It will be your joy and privilege to serve and worship India re-born and free, India, occupying an honoured place among the nations of the world, India seeking to serve humanity, India the friend of all and enemy of none, India, the link between the East and West. May you become her true sons and faithful worshippers!

## The Punjab Students' Conference

LAHORE—31st. OCTOBER 1931

The fourth Punjab Students' Conference met at the Bradlough Hall, Lahore on the 31st. October 1931. Besides student delegates a large number of ladies, prominent Punjab nationalists and a few American educationists attended.



*Sardar Sardul Singh*, Chairman of the Reception Committee, in his welcome address stressed on the organisation of students without separating from the politics of the country. He asked students to wage a relentless war against communalism. India, he said, is neither Hindu, Muslim nor Sikh. It is India and we are Indians. There is another phrase in vogue in these days namely, Nationalist Muslim, Nationalist Sikhs and so forth. These words are contradictory and deceptive. A Nationalist can never be a Hindu, Muslim or Sikh. Nationalist is a nationalist pure and simple. Nothing more nor less.

### Presidential Address

*Mrs. Kamaladevi* who took the presidential chair amidst cheers did not read her printed address as she thought it was a waste of time to read these addresses. But as she had been asked by the Conference organisers to make her presidential speech she spoke extempore and said if there was any community that was discredited to-day it was the student community. During the strenuous months of the satyagraha struggle last year, students practically of the whole of India showed utter indifference towards that great freedom movement. But in spite of this they were still asking students to take part in national movements, it was because so long as there was life, there was hope. Even out of the more costly jewels were found. She regretted and felt surprised that students of the Punjab did not feel inspired by the heroic sacrifices of their martyrs. Merely singing praises and shouting 'Bhagat Singh, Zindabad', she said, won't do. They must produce men and women with hearts full of love for motherland.

Referring to the Round Table Conference she said: Let us remember those that high lights who are banqueting with Mahatma to-day in London, will send him to Yerravada prison to-morrow. We should know we are no more children to be fooled with. If it were not for the movement last year, we would have vanished from the face of earth. It was due to the efforts of one single man that we achieved that wonderful success. How many scoffed and laughed when the tiny figure of Mahatma with his small band of Satyagrahis marched to Dandi to pick salt. But those sceptics soon found out that the salt he picked could shake even the British Empire. India through Mahatma was making new history. India will do what no nation has done. You judge the greatness of a nation by its artists. Gandhi was an artist creating a new India by his ideals of non-violence. We shall understand the magnificence of this art when we realise that the new experiment which Mahatma is making will relieve the world of horrors of centuries, warfare and bloodshed. To-day no nation can remain isolated. If India can contribute something to the world's culture it would open a new gateway before the world. India was to-day occupying such place and interest in world's thought because of this new experiment. If you cannot realise what joy it is to be a partner in such movement then all your education is in vain.

In the end Mrs. Kamaladevi appealed to the students to organise themselves. If you want to rouse the students and masses of India she said then organise yourselves. It is so much easier to throw gunpowder in air. It is a thousand times difficult to build up an organisation. Freedom means shouldering immense responsibility. We cannot afford to have individual stray deeds. I do trust you young men and young women will organise yourselves to shoulder the great responsibility that lies before you. You blame the truce and say 'Bhagat-singh was not saved. But why did not you save him and your heroes?' Why did you sit idle like cowards? There is no use of laying the blame on others. You have still time to redeem your reputation. How long are you to sit down and speculate? Must you only have 'demonstrations'? I do appeal once more to you to try to do something so that this agony of ours due to slavery may not be prolonged further.

### Resolutions

The Conference met again on the next day the 1st, November when resolutions were passed, placing on record the deep sense of sorrow of the conference at the deaths of Pandit Motilal Nehru, the Maharaja of Mahmudabad and Pandit Ganesh Shanker Vidyarthi, condemning the shooting incident at the Hijli camp, demanding Purna Swamy, condemning the present system of education, requesting the authorities of colleges to reduce student's fees as the salaries of their parents have been reduced, condemning the Press Bill and the heavy sentences passed on Ranbir Singh, Durgadas and Chamanlal, accused in the Punjab Governor Shooting case, adopting the New National Flag introduced by the All-India Congress, urging

upon the Government and the University authorities the need for introducing compulsory military training in schools and colleges so as to make rapid Indianization of the Army possible and urging the authorities not to debar students from the U. T. C. for their association with political activities.

Srimathi Kamaladevi Chattopadhyaya, in closing the session, appealed to the students to act on the resolutions passed and to do some constructive work. She asked the students to give a lead to the masses.

## The Maharashtra Youth Conference

The Maharashtra Youth Conference opened in the Shivaji Mandir, Poona on the 22nd. December 1931, under the presidency of Mr. Subhas Chandra Bose. A large gathering, including many ladies, was present. The session was held in a tastefully decorated shamiana.

After Mr. N. M. Golgil, Chairman of the Reception Committee, had delivered his address, Mr. Khadilkar, Secretary, read messages from Mr. N. C. Kelkar, Pandit Jawaharlal Nehru, Mr. M. S. Aney, Dr. Satyapal, Mr. S. Satyamurti, and Mr K. F. Narman.

Mr. Subhas Chandra Bose prefaced his address by saying that he was a peace loving man, though he was described by some, including officials, as the most turbulent man of the land.

"There cannot be any doubt in any quarter, that we are now hungering for freedom. This hunger is acute and intense, and the freedom that we are hankering after is full all-round freedom. Once the hunger for freedom has been roused in us, that hunger cannot be quenched until we have the full dose of it".

Mr. Subash Bose added : "The first taste of freedom may tend to unbalance us. It may even cause a feeling sensation—but it is bound to sober us before long, and then we shall find that freedom a source of infinite strength and irresponsible power."

Proceeding, Mr. Bose said that, at the time of the ill-starred Delhi Truce, the voice of Youth was ignored, with the result that the Revolutionary and Conspiracy prisoners remained unreleased, along with the detenus. While there was a truce between the Congress and the Government, repression went on merrily, which the Congress was unable to check. This continued repression provoked feelings of exasperation among the youths, which led to unfortunate acts of terrorism. If the Congress had been able to checkmate the repressive policy of the Government, the appeal of the Congress in favour of non-violence would have been irresistible, but as matters stood it had to be admitted that their appeal for non-violence had not had its desired effect.

Mr. Bose next referred, at great length, to the Hijli and Chittagong incidents, and the situation in other parts of the country and said : "I am firmly of the opinion that as soon as Mahatma Gandhi arrives in India, he should be requested to send an ultimatum to the Government that, unless the repressive measures adopted by the Government in different places are immediately withdrawn, it would be impossible for him to continue co-operation with the Round Table Conference. When the Government have shown by their action that they have ended the Truce, I do not understand why the Congress should cling to the shadow of Truce while the substance has vanished."

Concluding, Mr. Subash Bose urged the Congress to adopt a bold policy, as the country awaited a bold and prompt lead, and warned the officials that if the militant groups in the country, including the left-wing of the Congress, were ignored in arriving at a settlement with the Government, India might go the same way as Ireland.

After the President's address, Mrs. Kamaladevi Chattopadhyaya addressed the delegates, after which the Conference adjourned till the next day, the 23rd. December when half a dozen resolutions were passed.

### Resolutions

A resolution running "Now that the Government, by their repressive policy, have flagrantly violated the Gandhi-Irwin Agreement, this Conference calls upon the nation to resume the fight for complete independence immediately" created a good deal of controversial discussion. The resolution was eventually carried in an amended form after the words "Congress Working Committee" had been substituted for the word "nation".

Among other resolutions passed were one condemning the alleged atrocities at Chittagong and Dacca.

Another resolution strongly protested against the Bengal and U. P. Ordinances.

When the Conference re-assembled in the afternoon, resolutions, on the lines of those passed by the Berhampore Conference, regarding the boycott of British goods and banks, insurance companies controlled by Britishers and boycott of the Anglo-Indian Press etc., were adopted.

The Conference turned down a proposal for the establishment of a separate University for Maharashtra as also a motion urging the abolition of Indian States.

*Mr. Subhash Chandra Bose*, in his concluding remarks, welcomed the Bengal Ordinance which, he said, was a milestone in the march of progress. When the Government ruled the country with Ordinances, it showed that they had lost the goodwill of the people. As regards the appointment of Sir George Anderson as the Governor of Bengal, the President said that they were told that Sir John Anderson had something to do with the repression in Ireland, which however ultimately led to Irish freedom. He hoped for a similar result in the case of Bengal, during Sir John Anderson's regime. He finally struck an optimistic note about the future of India, and appealed to all to close up their ranks in the coming struggle for freedom.

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## THE WOMEN'S CONFERENCES

### All India Women's Conference

MADRAS - 28th. DECEMBER 1931

The sixth annual session of the All-India Women's Conference on Educational and Social Reform commenced at the Senate Hall, Madras on the 28th. December, under the presidency of *Mrs. P. K. Roy*, an eminent social worker of Calcutta. There was quite a large gathering of delegates from all over India, besides a number of distinguished visitors.

#### Welcome Address

After an opening song and the formal election of the President, *Mrs. S. Navir Hussain*, President of the Reception Committee, welcomed the delegates. In the course of her address she said:

It is a known fact that Madras is not backward in education and it is a source of not a little happiness that women of this province are advanced in education. Many women take a very active part in public life. Madras was the first province in British India to enfranchise its women on equal terms with men, it was the first to have women on its Legislature, and further, it was the first to elect a woman to be its Deputy President in the Legislative Council in the person of our learned sister, Dr. Muthulakshmi Reddi. Women enjoy both municipal and legislative franchise.

Girls in the city of Madras enjoy the system of free compulsory education as much as boys. I am, of course, not only very sorry but very much grieved indeed, that my Mussalman sisters are not only apathetic towards public life, but are also very backward in education. I am glad that they have begun to realise this short-coming and are beginning to send a large number of their girls to schools for

education. Mussalman girls are exempted from the free compulsory education scheme, but now they have realised the disadvantage of this step and have strongly demanded the inclusion of Muslim girls also in that scheme. We hope that the Corporation and the Government would very soon satisfy this legitimate demand of Muslim women.

Judging from the facilities that exist for the advancement of women in public life, and in view of the fact that women have proved their capacity for service, we can very legitimately lay our claims to perfect equality and rights of equal citizenship in the new Constitution that is being framed to give India full responsible government. Indian history, both Hindu and Muslim, is replete with glorious instances of women rulers, women warriors and women with deep and profound learning, and the most recent being those of the late Begum Mother of Bhopal, the Senior Maharani Regent of Travancore and the Rani Saheba of Sangli. In public life, too, at the present moment, many women are occupying places of unique honour and responsibility. Therefore, let us fully trust our women and help them in their laudable efforts to take their rightful place among nations.

We all know that our country is at present passing through a very critical and very important political period. Strenuous efforts are being made to frame a constitution which will give us a full responsible government. There are rare opportunities in the history of nations and we would try to do nothing which should make us repent later on. But it is very unfortunate that at this time, when the largest amount of harmony is required between the different communities of India we are disunited. But there is a silver lining to the clouds. It is a matter of no small happiness to witness women of all communities joining in this Conference, working side by side for a common cause. This is a shining example for our men. If they have failed in this duty of theirs, then we should realise our onerous responsibility and each one of us should make it a point to force our husbands, brothers and children to remain in perfect love and harmony with those of the sister communities. Unless this is accomplished, India will not be able to make any political advance worth the name.

The second thing towards which I should like to draw the attention of my sisters is the support of our local industries. India is the poorest country in the whole world and the world-wide economic depression of the last two years has almost ruined cultivators and artisans.

Dear sisters, When we go out for purchasing beautiful dresses for ourselves and our children, is it not our duty to remember our unfortunate sisters and their children, whom a little attention on our part can save from starvation? It is very unjust that our own brothers and sisters should be starved to death and we should fill the coffers of foreign capitalists for the sake of our decoration. I have to request particularly the sisters of my community, who have not fully realised the crying need of starving Indians. I wish they encourage Indian industries at least to the extent that our sisters of other communities in India do.

The third thing towards which I want to draw your attention is the important question of dowries to girls. This custom is prevalent in many parts of India but most so in Madras. How unfortunate it is that unless parents of a girl are willing to give away as dowry to their daughter much more than what they can actually afford, it is not possible to get a bridegroom. The most essential and the most difficult thing to settle in a marriage is the question of dowry and not the personal qualities of the girl. The acceptance or rejection of a proposal depends upon the amount of dowry that the parents of the girl are going to offer. It is a great pity that even educated people have not yet done away with this pernicious practice. As a matter of fact, an educated boy wants to get dowry to compensate the expenditure on his education. The result is that a girl's marriage becomes to the parents of moderate means, an intolerable burden. This standing worry spoils their health and happiness. Is it too much to request for the stoppage of this practice and thus give relief to thousands and millions of poor parents?

In conclusion, Mrs. Nazir Hussain referred to the services rendered by Dr. Muthulakshmi Reddi and Mrs. Swaminathan, who had worked day and night for the success of the Conference. She then regretted the absence of Mrs. M. E. Cousins who had rendered yeoman service to the cause of the advancement of Indian women and also thanked Mrs. Buck for preparing an up-to-date guide book of Madras for visitors and delegates.

### The Annual Report

The annual report of the Working Committee was then submitted by the Honorary Secretary, *Rani Rajvade* then read the report from which the following are short extracts :—

Since we last met in Lahore, the All-India Conference has put in one more year of solid work and service to the women of the country. Having started purely as an organisation for educational reform six years ago, the A. I. W. C. to-day stands as the foremost organization of women in this country and its activities embrace all questions concerning the material, moral and mental betterment of women and children. The work done by the Conference has brought about a vast awakening in the country and it is to a large extent responsible for the desire for self-expression that is evident among Indian women to-day.

During the year 1931 the most important work done by the Conference was the submission jointly with the National Council of Women in India and the Women's Indian Association of a considered memorandum on the status of Indian women in the new constitution for India.

By a consensus of opinion it was agreed to urge in the memorandum for a declaration of rights ensuring that there shall be equal rights and obligations of all citizens without any bar on account of sex and no disability to attach to any citizen by reason of his or her religion, caste or creed or sex in regard to public employment, office of power or honour and in the exercise of any trade or calling. As a result of further deliberations based upon this fundamental hypothesis, it was decided that the memorandum should demand (1) Adult suffrage, (2) women to fight elections on equal terms with men in mixed general electorates; (3) no reservation, nomination or co-optation of seats for women as such.

Another event worth mentioning was the deputation of women which waited on His Excellency the Viceroy in May 1931 to ask for elected women representatives on the Round Table Conference. His Excellency in his reply expressed sympathy with the request made to him, and promised to bear it in mind when making the final selections. Though the request to select at least three women as embodied in the memorial was not granted, the Conference has naturally been pleased at the later inclusion of Mrs. Naidu amongst the additional delegates to the Round Table Conference.

The All-India Women's Education Fund Association has been working hard during the year collecting funds for the Lady Irwin Home Science College. The total has now reached nearly four and a half lakhs of rupees. The largest contribution of two lakhs came from His Exalted Highness the Nizam of Hyderabad. The committee has appointed the first member of the staff to travel round India visiting all institutions which are directly connected with women's education and to collect data and material for the Lady Irwin Home Science College. It is hoped that the College will come into existence in 1932.

We have to be thankful to that great champion of Indian womanhood, Rai Bahadur Harbilasji Sarada who has introduced on the Legislative Assembly a Bill to secure a share for Hindu widows in their husbands' family property. This subject has been very widely discussed and great interest has been aroused in the constituencies, all of whom recommended that it is of the utmost importance that the legal disabilities of women, especially Hindu women, should be carefully studied with a view to the removal of such by legislation. The question of the appointment by Government of a special committee with a strong representation of women on it, will be considered by the Conference.

As a direct result of the efforts of the Conference, the various constituencies are taking an active interest in matters of social and educational reform. More and more women are entering public life and associating themselves with the work of local bodies such as Universities and municipalities. There is an increasing demand for the inclusion of women on prison, school and hospital visiting committees and school boards.

Support of disarmament, Acts for dealing with juvenile delinquency, the abolition of polygamy, purdah and the degrading system of begging facilities for industrial training for women, women's rights of inheritance, the abolition of untouchability, drink and gambling and Devadasis, suppression of traffic in women and children, establishment of rescue homes, facilities for the propaganda of scientific birth control—are only a few of the many subjects in the sphere of social reform on which our constituencies are trying to create public opinion and interest. In the realm of

education, very great stress has been laid on the almost universal demand for free and compulsory primary education, the inclusion of home science as an essential subject in the training of girls, the adequate training of teachers, proper playgrounds accommodation and equipment, mass and adult education, physical culture and medical inspection, abolition of communal and caste distinction in all schools and colleges, and the expansion of higher and university education, all with a view to raise the general academic standard for the physical, aesthetic and cultural development of the younger generation as a whole.

### Presidential Address

*Mrs. P. K. Roy* then delivered her presidential address. The following are extracts from the address :—

The keynote of our Conference is "Educational Reform." Those of us who are connected with educational work amongst girls and women in all the Provinces, know the statistics and percentages of illiteracy amongst women, almost by heart. The deplorable condition of women's education in India has been proved to us by eminent speakers year after year in this very Conference.

As we are talking of reforms in education of our girls, the first point that strikes me is, that, those of us who are actually interested and are engaged more or less in the drudgery work, have not yet had time to think how far our present usual plans are satisfactory, how far we are producing the right results. The conditions and facilities, however deficient, are far better now than they were twenty-five years ago. The time has now come, when we can think and judge if we are going on the right lines. Have we ourselves got any particular vision on the point? Do we feel we are producing the right type of womanhood in India to-day, through our Institutions, that would be a glory to India in the future? I am sure you all believe that we have some distinctive characteristics of our own as Indian women. Whatever the reason may be, either climate, environment, tradition, custom or religion, each nation has its own specialities of nature. The self-abnegation, self-restraint, and the spirit of self-sacrifice of Indian widows, the catholicity of outlook and the spirit of tolerance of the old grand-mothers, the sense of justice and the power of administration of the joint-family mothers, are assets that India can be proud of.

Conditions have changed. We are quite certain that early marriage should be abolished, that the depressed classes should be lifted up, that women must go out into the world and earn their own livelihood, that wives must be equal partners and companions in marriage, and even that divorces are right under certain circumstances. Indian ideals of life and conduct are rapidly undergoing many changes and they must change if we are to attain the full development of our womanhood. But have our Educational Institutions and homes taken any notice of those changes? Are we befitting our girls to the changed condition of things through their education in schools and colleges or at home? Neither the mothers nor the teachers have thought of the matter seriously. In the olden days girls of eight or nine used to be taught by their grand-mothers :—"Your husband is your God, you must obey your mother-in-law even if she is cruel, you must not enter the kitchen without a bath. Your widowhood is your lot in life." Right or wrong there used to be some guidance for the girls. Now, by abolishing early marriage we are taking the tremendous responsibility of the adolescent period of the girl's life. Not only the intellectual side of her nature, but the spiritual side has also to be thought of. Her conduct and character have to be moulded before she passes out of her school and college period, and launches herself into the world. I do not say that Institutions alone can do everything—the responsibility arises first in the home. But I feel Educational Institutions can do a great deal. We should all put our heads together and introduce the character-building side of our girls in Educational Institutions. In this world the value of human life does not lie in taking one's degree with honour, but in conducting one's self with honour and grace, keeping in view the ideals we have gathered and created to guide ourselves in life.

My second point is that all our Educational Institutions should have in their curriculum some instruction on the moral and spiritual side of life. I do not wish to call it religious instruction, because we cannot introduce dogmas and catechisms or special tenets of any kind, in places where different sects and communities are gathered together; but some form of instruction, which would awaken in the

children the love for truth and justice, the spirit of reverence, of worship, of discipline, the tendency of looking beyond the sordid and mundane, the power of right-thinking, self-analysis and contemplation,—in short to awaken in them the spirit of idealism of life—is absolutely necessary. If harmonious development of the whole mind, be our ideal for attainment, do you think we can attain that object by entirely neglecting the spiritual side? I myself feel that we are doing the wrong thing by holding out to the younger minds only one side of the picture. It is no doubt a very difficult problem to solve. Probably the denominational Institutions have better facilities of a completer type of education; but when we are faced with the non-denominational character of our Educational Institutions, we have to work out a plan of our own. It is absolutely necessary that the principles of life that would guide our conduct and character, the moral strength that would help us through various struggles of life, the devotional spirit that would make us look beyond, the idealistic side of our nature that would bring us light and strength to fulfil life's responsibilities and duties calmly and cheerfully, should have our attention.

I have only touched on the two main points of the educational side. There are great many other points we have to think of. There are "the rights and duties of citizenship" of which our boys and girls have no idea, the franchise side of the question from the educational point of view, the political side we are dabbling in without any preparation or study. We have to think why in many cases freedom is used as "license," why our children are growing up neither of the East nor of the West but a curious specimen of both, why we have not been able to instil into them the beautiful and the glorious side of Indian nature and instinct. We have grave responsibilities before us. Mothers, teachers and leaders have very serious questions to solve. The ideals of manhood and womanhood must be before us when we mould and train and teach. The object must be definite, otherwise, we shall drift and bring chaos instead of order.

I shall not touch upon the detailed programme we have before us on social questions. We are more or less in agreement on the point that we women suffer from many social disabilities that have to be changed and reformed, if we wish to maintain our proper position in the world as Indian women. To my mind the social and educational questions are inter-connected with each other. The society we form is the outcome of the culture and education we acquire. The real root of the question is want of education—the want of the right vision of life. When I do not get the advantage of knowing that early marriage is fraught with many evils, I naturally cling to my old custom of early marriage. Likewise, I keep to my old habit of 'purdah' and my old outlook of caste and attitude towards the "depressed classes." All these prevalent social drawbacks that we are suffering from to-day, are really due to want of proper knowledge in matters of life. When we look round to our younger generation who are probably the products of two or three generations of education and enlightenment, we have something to congratulate ourselves on. I am quite proud of their clearer vision of life, their steadiness of purpose, their desire and anxiety for taking up public work, their grit and enthusiasm for reforming and improving the condition of women. Their knowledge and capacity of doing the drudgery side of the uplifting work deserve our great praise. It proves to us what education can accomplish in life. Social disabilities are bound to disappear with educational facilities.

Whilst talking on social reforms I should like to say, if I may, that their homes are the places that require the greatest of our attention. Homes are the units that form the society. Amongst all nations women are considered to be the bed-rock of society. If we can place our homes on a higher level, if we can once make women understand how much of the homes depend on their own hands, all social problems will be far easier to solve. We are passing through difficult times, we are introducing various changes in our social outlook, we are undertaking more responsibilities to-day than women of olden days. In our homes, our mothers have to take notice of these new outlooks of our social life and remodel and remould their standards of work according to the requirement of the changed conditions. We are putting our hands to civic and political work together with the social and educational. Our women have now not only the charge of rearing and training of their children in their childhood but also the charge and training of the adolescent period of their daughters' lives which formerly rested with the mothers-in-law in those days. The younger generation to-day is far better in its receptiveness, in its eagerness of learning, in its inquisitiveness of the questions of life. It is we mothers who are to

blame if things go wrong. We do not properly study the natures of our children. We do not take the trouble that is necessary to instil into them the right ideas at right times. Discipline and self-restraint are questions that our homes have entirely left to chance. Schools and marriages are the pivots, on which we have pinned our faith. Other essentials of life that would enable her to carry herself with dignity and truth, that would guide her in her troubles and difficulties of life, matters that mothers alone can judge and sift, instil and teach, are ignored and left neglected in our homes. How can we avoid disappointments,—should there be any—if we as mothers do not do our duties conscientiously at home. Homes are the centres where individuals are trained and brought up, to the right ideals of manhood and womanhood. If we wish to produce the real type of Indian womanhood, that would be a glory to our country in the future, we must concentrate our energies to remould and remodel our homes.

In conclusion Mrs. Ray said that the value of this conference was great. It was through inter-change of ideas, knowledge of the work the women were doing in other provinces of India that they should be able to judge and sift, learn and build things on proper lines. Although each province had to work in its own way and had its own special needs there were many common points they could all deliberate upon together. "If we wish to forget the differences of caste, creed and colour, the social side of the work that is being done through the yearly gatherings is more effective than passing resolutions and making speeches. This is only the sixth session of our conference, but the work we have accomplished, together and separately, in each province is worthy of note. Both brings me lessons that I shall cherish in my life. The gathering to-day convinces me and thrills me with the vision of a glorious future for the womanhood of India. As I said before, we are proud of our inheritance from the past. The future only has to be blended with a right vision in our minds. The leaders and the workers must cry "halt" now and again, to ponder and think. The 'brakes' of our inner automobile must be kept in order, so that if the dust of the roads blind our eyes we may proceed with care. There is One above us who shall lead us to light and bring us towards the fuller development of life, towards attaining the right stature of womanhood of which India may be proud of in the future'.

## PROCEEDINGS AND RESOLUTIONS

SECOND DAY—29th. DECEMBER 1931

### EDUCATIONAL RESOLUTION

The following resolution was moved from the Chair when the Conference re-assembled to-day and was adopted unanimously :—

"This Conference places on record its deep concern that all over India the reductions proposed because of the present financial stringency have fallen most heavily on Education and Public Health, and appeals to all Governments to refrain from retrenchment in the sphere of women's education, on which the progress of the nation largely depends"

Miss Lane then moved : "This Conference reiterates its demands for immediate compulsory primary education for all girls as well as boys of every community. It calls upon all Governments and local bodies to work out a scheme for a steady and rapid expansion of this education, and it urges all local committees to agitate until this is achieved and primary education is put on a sound financial basis both by private and public endowments."

She said that in Madras a great deal had been done towards the advancement of education for girls. Owing to the far-sighted policy of the Government, they had an adequate supply of women graduates and trained mistresses. Free and compulsory primary education for both boys and girls had been introduced in several towns and they had experienced no difficulties in including girls into the compulsory scheme. In the city of Madras at present Muslim girls were exempted from the scheme. But as a result of this exclusion, the education of Muslim girls suffered to some extent. She believed that there was a tendency on the part of authorities who contemplate introducing compulsion to exclude girls and it must be the work of the association to watch and see that girls were also included in the scheme wherever it was introduced. There would not be much opposition to this.



## PHYSICAL TRAINING IN GIRLS' SCHOOL

The following resolution moved by *Dr. Muthulakshmi Reddi* was passed :—

"This Conference is of the opinion that for the physical well-being of school children and students, (a) ample facilities should be given for physical culture, (b) that adequate play-grounds should be provided for institutions for girls, and (c) that medical inspection should be made compulsory in all schools and committees formed to supervise treatment and care of children."

She said that except probably in Madras, girls' education was not receiving the attention that was paid to boys' education. That did not mean that things were perfect here but she said this province compared favourably with others. Physical culture had been made compulsory in this province in all boys' and girls' schools. When she saw the condition of the things in some of the other provinces, the rickety and crampled buildings of the schools, the crowding in the class-rooms and the lack of attention to physical needs, she was amazed. She said that girls' education should be given priority over boys' education. Men, she said, were mere earning machines (laughter) but women were in charge of the home and the well-being of the present and future generations. If only through proper organisation women laid their claims before the public, she was sure no one could refuse their demands.

*Miss S. I. Vincent* of Oudh seconded the resolution and said that the necessary facilities of physical training were lacking particularly in girls' primary schools all over the United Provinces and she believed that was the condition in other provinces also. Teachers who had put in years of service were given no refresher courses in physical training. It was high time that something was done to improve the prevailing conditions, considering the appalling poverty and ill-health of the children receiving education.

*Srimati Kamalaratnam* of Andhradesa said that though men and women were doing in many schools, they did not secure the results desired. They must therefore agitate to secure efficient and effective medical inspection of their schools.

*Sister Subhalakshmi* said that a suitable scheme of physical education should be devised by the conference in conformity with the habits of the country and tradition.

*Miss Khadija Begum Ferozuddin* of Lahore said that a system of education through an alien tongue was sapping the vitality of their children. It was the crying need of the day that physical training of their young ones should be made compulsory if they were to obviate the dire consummation—of a nation growing up pale, thin graduates commanding no respect in the eyes of the world.

A few other delegates spoke in support of the resolution saying that the indigenous 'Vyayama' or physical culture system could be adopted to give an adequate physical training to their children, and suggested that medical inspection, hygiene, teaching and physical training in schools should go together and that work in these directions be co-ordinated.

The resolution was then put to the House and carried unanimously.

## NEED FOR WOMEN TEACHERS

The next resolution discussed ran as follows :

"This Conference is of the opinion that in the interest of girls education, women should be appointed on all private and public bodies dealing with education."

*Srimati Uthallamm* of Madras moving the resolution said that though in Madras the principle of giving representation to women had been recognised, the full benefit thereof had not been derived. This, she felt, was due to the inadequacy of the representation given to women. She appealed to them to take up this matter seriously and agitate for fuller recognition of their rights.

*Mrs. Miles Irwin* (Punjab) seconded the resolution. *Mrs. Krishalkar* (Bombay), *Miss Meenakshi Ammal* (Kerala), and *Miss Khadija Begum Ferozuddin* (Punjab), supported the resolution which was then accepted by the House *nem con.*

## ADULT EDUCATION

*Mrs. K. D. Rakmani Amma!* (Mysore) moved the next resolution which ran as follows :—

"This Conference is of the opinion that in view of the appalling illiteracy prevalent among the masses, the Constituent Conferences should organise classes for adult education and encourage every activity in this direction by all possible means."

She said that the problem of illiteracy had become so serious that it was the duty of every one to do his and her best to eradicate it. It was a matter for gratification that very important work was being done in this connection in the Mysore State, particularly by the various women's associations. Private associations and non-official bodies could, she said, do a great deal in solving this problem without waiting for Government to move in the matter. She appealed to the various constituent Conferences of the Women's Conference to do their best to remove the appalling degree of illiteracy prevailing in the land.

*Miss Mustapha Khan* (Poona) seconded the proposition. Other delegates including *Mrs. M. K. Pillai* (Hyderabad), *Miss Janaki Ammal* (Mysore) and *Srimathi Anandarajali Ammal* (Travancore) spoke in support of the resolution saying that the progress of the Indian nation was being retarded greatly by the illiteracy prevailing among the adults of to-day. It was necessary, they said, that the problem should be tackled soon and seriously, and the Women's Association might give a lead in the matter.

### THIRD DAY—30th. DECEMBER 1931

Discussion on the resolution urging the Women's Constituent Conferences to organise classes for adult education with a view to remove illiteracy was resumed this morning. A few more ladies spoke in support of the resolution, suggesting that the curricula, text books, methods of instruction and hours of work should be changed so as to suit the adults. The motion was then carried unanimously.

### RE-ORIENTATION OF CURRICULA

*Miss K. Saralambal* next moved the following resolution :

"This Conference recommends (a) that all schemes of women's education, the cultural, the practical and the aesthetic aspects should be more emphasised than at present, and (b) calls upon the women of India to support whole-heartedly the pioneer effort of the All-India Women's Conference and the All-India Women's Education Fund Association to establish the Lady Irwin Home Science Institute at Delhi and reiterates its appeal to the Education Departments throughout India to make Home Science one of the compulsory subjects on women's education."

She said that the present education to girls was too academic and did not give adequate recognition to the part women were destined to play in life. It bore no relation whatever to the home life of the women. Girls should be trained among other things to be makers of the home as well as good citizens. The cultural part of the education, she said, should not be neglected. But they must be trained in their own national lines and everything must be done to promote their own common culture. Study of Sanskrit, for instance, should be advanced as it was the fountain of all their culture. In this connection, it was a pity that the Madras Government should be considering the adoption of Sanskrit Honours in the Presidency College. It was this College which had sent out Sanskrit scholars to staff other institutions and carry on research work. Western countries were now taking to oriental studies, particularly Sanskrit, and India would by neglecting the study of Sanskrit be making herself an object of ridicule to the world. If, therefore, their education were to proceed not on national lines but on Western lines they would be getting not a new Europe in the East, but a worse India. (Cheers).

*Miss Ambadi Ikkaramma* (Travancore) seconded the resolution saying that a true education on national lines and the promotion of their culture could not be secured unless an important place was given to Sanskrit in the scheme of education.

*Mrs. C. V. Subramaniam* (Andhradesa) said that any scheme of women's education should include compulsory study of domestic science besides emphasising the requirements of a cultural training.

*Mrs. Janaki Ammal*, *Miss Cox* and *Miss K. C. Annamma* supported the resolution.

*Miss Barrie* said that, whatever be the subject they studied, they should pay attention to the cultural, practical and aesthetic aspects of it. They would be able

to understand the culture and achievements of other countries if they fully understood their own. They were killing the tendency for practical application by their present method of education. Mere multiplication of subjects would not serve their purpose. They had to recreate India in beauty and unless the practical and beautiful side of the subjects taught were emphasised they would not attain their objective.

*Mrs. K. Jaisappa* (Mysore) said it was a pity that the study of Sanskrit was being banned in the Mysore University thanks to a few Chinese 'patriots'. They must remember that the two languages that had united India were Sanskrit and English. For the sake of its cultural and national value Sanskrit study must be encouraged and advanced.

The resolution was then passed by the House.

*Mrs. Rastogi Faridkotgi* then appealed to the present and womanhood of India to subscribe their mite to the Women's Education Fund and join that Association.

#### CASTE DISTINCTIONS IN SCHOOLS

The next resolution discussed was as follows:

"This Conference which has always stood for unity must do its utmost to work for this great cause. It feels that to achieve this it must (a) separate schools for different denominations or communities or castes which have already been gradually abolished; (b) it feels very strongly that caste distinction in the application form for admission into educational institutions should be discontinued; and (c) it calls on the Department of Education and the heads of schools and colleges and hostels to abolish these distinctions in all hostels under their management."

It was a tragedy, said *Mrs. Rastogi Faridkotgi* moving the resolution, that the people of India should think in water tight compartment of communities. It was at the school that the most effective work to abolish the distinction could be done and the boys and girls of Hindu Mahomedan Parsi and Christian communities could be brought up in a spirit of unity. The younger generation, she felt, were already moving on these lines of abolishing all distinction and if only educational experts united to work out a suitable scheme for this purpose, the great task would be done with the utmost ease.

Seconding the motion, *Mrs. Bhow* said that the division into communities was a negation of equal opportunities for all. The upercity and inferiority complex promoted and perpetuated by the emphasis laid on communal distinction created animosities among them, which retarded national progress. No one caste was ever supreme; it was our folly, passing dream and they must do everything that would bring the communities together.

*Mrs. Manoharamangathaprasadam*, supporting said that all the communal wrangles were born of ignorance. They should not perpetuate the wrong feeling in the mind of their young ones, who were to be the future citizens of the land. They must instil on all occasions into the minds of their youngsters that they were all Indians first and last, to whatever religious denominations they belonged.

*Mrs. Krishna Menon* said that people were opposed to the idea in this resolution on the ground that the immediate result of its adoption would be to block the way of the progress of the backward communities and that in order to safeguard the interests of these communities they must retain the caste distinction. But she said that a new united nation could be born only by eradicating these distinctions. She suggested that clause (b) of the resolution might be dropped.

*Mrs. Patwardhan* (Baroda) supported this suggestion and cited the example of Baroda.

*Miss Nanjamma* (Mysore) said that it was a disgrace that India containing a sixth of the world's population should have to bend her head in shame because she was composed of peoples warring among themselves. Could they not bring about a unity within diversity by abolishing all those caste and communal distinctions which seemed to have served as a brand of shame on their nationhood?

*Miss Khadija Begum Ferozuddin* stated that the message of all religions was love, equality and unity. There could therefore be no religious sanction for caste or communal distinctions and they must see that nothing was done to perpetuate these distinctions. Never should they give the children the idea that they were low-born or high born, but must give them the idea of the equality of all human beings.

Miss Lalammal Naidu said that so long as there was no tabu against the backward classes, all they were going to do would be to perpetuate superiority and inferiority complexes. Only the autocrats and aristocrats of the Conference would vote in favour of the original resolution.

An amendment embodying Mrs. Krishna Menon's suggestion that caste distinctions in application forms for admission be discontinued except in the case of primary institutions was lost, 15 voting for it and 24 against. The original resolution was then carried by a large majority without any amendment.

#### OMNIBUS RESOLUTIONS FROM THE CHAIR

The following resolutions were next put from the chair and carried without any discussion.

This Conference expresses its profound grief at the demise of Lady Dorab Tata, Lady Sakulava Aiyar, Mrs. Suse Sorabji of Poona and Miss Mona Bose of Lahore and places on record its high appreciation of their valuable services to the cause of Indian Womanhood.

The Conference reaffirms the vital importance of Disarmament for the peace and the happiness of the world, urges the women of India to give their whole-hearted support and sympathy to the World Disarmament Conference to be held in Geneva in February 1932 and call upon all Governments to reduce their Army and Navy.

This Conference calls upon all communities in India to live together in amity and work in harmony with one another for the common welfare of the country and appeals to all women to make special endeavours to achieve this object.

The Conference strongly opposes the amendment to limit the scope or weaken the operation of the Sarda Act. It emphasises the need for its constituent Committees to educate public opinion in its favour and see that the Act is enforced and not evaded all States, the necessity for passing similar legislation.

The Conference protests the practices of temples in Madras City to abolish the Devadasi system and commiserates the barbarism of Mysore, Travancore, Cochin and Pudukottai States for having taken a lead in this matter.

The Conference reiterates its previous resolutions on the need for extensive improvement of maternity and child welfare work and presses for the training and registration of midwives and for propaganda on public health and sanitation.

The Conference urges upon the men and women of India to encourage and support education for girls.

In view of the many evils caused by intoxicants, the Conference emphasises the need for increased activity in the campaign for prohibition of drink and drugs. It also strongly condemns the evil practice of gambling and would welcome further legislation for its suppression.

The Conference reiterates the importance of questions like child labour, traffic in women and children and child mortality which form part of the discussions in the League of Nations and Imperial Conference, requests the Government to include women representatives of the All-India Women's Conference in the Indian Delegations to the League of Nations and the Imperial Conference.

#### THE PROBLEM OF UNTOUCHABILITY

Mrs. A. Lakshmi Amudam, moved.

This Conference condemns the practice of untouchability and call upon the public and upon women in particular to work whole heartedly for the abolition of this evil, and to render every help towards the betterment of the so-called depressed and backward classes.

She said that if the curse of untouchability was to be removed, the curse of caste system must first of all be removed. The inferiority complex which had been infused into the minds of the unfortunate classes must first be cast off and mere cosmopolitan dinners and preachings in public platforms would be of no avail. They must teach the younger generation to forget this feeling which had been taught to them for the last hundred years. In the speaker's opinion, the cry for adult franchise, equal rights and political freedom would be absurd until this problem was solved.

Miss Anandakali Ammal (Travancore) seconded the resolution. She said they must look at the problem with a great deal of sympathy.

Mrs. S. N. Roy (Bengal) said that to treat a person as an untouchable was a

crime against humanity. There was need for systematic and organised exertion in this direction if they were to succeed. Swaraj would be a delusion so long as any single person in the land was treated as an untouchable. A spirit of patronising would not do anything and she appealed to the women delegates present to do their utmost to preach and practice the removal of untouchability.

*Mrs. Patwardhan* (Baroda), in supporting the resolution, said that in carrying out this most humanitarian work, they should go ahead without fearing public opinion which might for some time oppose such work.

*Srimathi Visalakshi Ammal* (Madras) said this curse prevailed most in Tamil Nadu and there was urgent need for work in villages. All persons were equal in the eyes of God.

*Miss Vincent* (Oudh) said that this reform could be effected best by the delegates going home and setting an example to others and conducting propaganda against the evil.

*Mrs. Kamalaratnam* (Andhra) supported the resolution in a Telugu speech.

*Mrs. Nanjamma* (Mysore) in supporting the resolution referred to the work done in the Mysore State to alleviate the miserable lot of the depressed classes.

*Miss Ferozuddin* (Lahore) made an eloquent plea for the removal of this curse which was a slur on the fair name of India and the civilization of the Bharatvarsha, the land which was once the source of enlightenment to the world. She said that whatever opinion they might hold about the Muslim religion, one thing was admirable in it. From the highest to the lowest rank, the fundamental principles of Islam, equality, brotherhood and fraternity, had not been forgotten. She was of opinion that the present trouble in India was to a large extent due to the differential treatment given to some and appealed to the gathering to do their best to remove the curse of untouchability.

*Dr. Lakshmi Devi* (Andhra) also supported the resolution which was then passed unanimously.

#### THE RIGHT OF INHERITANCE

*H. H. Durrager Rani Lalt Kumari* of Mandi moved:

"This Conference strongly protests against the legal disabilities of Hindu Women in matters of personal and property rights and is of opinion that they must forthwith be removed. To achieve this end, it urges on the Government of India the immediate appointment of an All-India Enquiry Committee with a strong representation of women in it and earnestly appeals to all States to co-operate with this committee."

She said that if they traced the history of this question they would find that in the old days there was no distinction of sex in the laws of inheritance. If the country was to prosper they must concede equal rights to women in the matter of inheritance.

*Mrs. Sirur* (Bombay) seconded the resolution. *Miss Jadhav*, *Mrs. Rukmini Ammal* and *Mrs. Subramaniam*, and *Mrs. Padmasani Ammal* supported the same. The resolution was then passed unanimously.

#### JUVENILE DELINQUENCY

*Miss Shorne* (Calcutta) moved:—

"This Conference draws the attention of the Women's Organisations throughout India, (including the States), to the problem of juvenile delinquency and urges them to make a study of the subject in all its aspects, as well as to organise clubs and shelters for delinquent, neglected and destitute children so as to prevent juvenile delinquency. In doing so she said that it was the duty of every citizen to see that these unfortunate delinquent children were treated with sympathy and love. Women could always play a great part in this work and the experience of western countries had proved that women workers were specially fitted for such work. The speaker then referred to the Reformatory Schools Act of 1891 and the Children Act of Bombay, Bengal and Madras. The main drawback of these acts was that they were worked only in the presidency towns and the immediate suburbs. It was therefore necessary that the women's conference should press upon the Government to have an All-India Children's Act, provision being made for (1) separate remand home for children, (2) children's court with women magistrates, (3) appointment of suitable

probation officers preferably women to befriend and supervise the children, (4) establishment of separate sections for juniors and seniors, and (5) special treatment for the mentally defective."

Mrs. Manocklal Premchand seconded the motion and gave a short history of the work done in Bombay.

Dr. S. Muthulakshmi Reddi in supporting the resolution referred to the work done in Madras. She was of opinion that in almost all the cases the parents were responsible for the delinquency of children. Mothers could prevent delinquency in cases.

Mrs. Hakim (Calcutta) supported the resolution in an Urdu speech.

The resolution was then adopted.

#### THE BEGGAR PROBLEM

*Miss. Hensman* (Madras) moved :—

"This Conference, while strongly disapproving of the prevalence of professional begging, urges legislation for its prevention, and calls upon (a) the public to co-operate by diverting their charities in this sphere towards the creation and support of institutions and for the provision of beggar homes, work houses, infirmaries and leper asylums; (b) calls upon the local bodies to provide such homes where they do not exist and to enforce any legislation for the eradication of this evil."

Mrs. Hensman said that there was much of sympathy for beggars who roam about the streets and appealed to the public not to show their sympathy by encouraging undesirable begging. They should give it to those who had not, but not indiscriminately, because such misplaced sympathy would throw the able-bodied on the charity of the rich and thus would fill the country with idle beggars. The rich should give as much as they could to such institutions and provide for the really deserving beggars as the maimed, the paralytic and of that kind. Public and local bodies should regulate the funds for organised occupation of the really deserving beggars. Women should urge for a legislation to provide for the removal of the scourge of street begging.

Mrs. Cama (Nagpur), Mrs. Kotiswaramma (Andhra), and Mrs. Vaz (Konkan) supported the resolution which was then carried unanimously.

The Conference then rose for the day.

#### FOURTH DAY—1st. JANUARY 1932.

The concluding session of the Conference was held to-day. Before the regular item of electing the office-bearers for the current year, the chairwoman invited suggestions for practical work in the coming year to put into practice the resolutions they had adopted.

She first read a letter from Mr. V. Suryanarayana suggesting to the Conference to press for the inclusion of Hindi, music and domestic science as compulsory subjects in girls' Schools and for the formation of branches of the Conference in the small towns in the different provinces with a view to study at first hand by its members the condition of villages.

The chairwoman pointed out that some of the suggestions had already been considered and authorised the Organising Secretary to write to Mr. Suryanarayana thanking for his suggestions.

The Secretary of the Social Sections suggested that the main work that must be undertaken in the coming year should be to give as much publicity as possible to the memorandum of the Conference on the question of franchise.

The Secretary of the Educational Section stated that that year the refresher courses for primary school teachers should be held. Each constituency should try to form a sort of non-official education council to push forward the compulsory scheme. Though they might not enter on any new venture, they might prevent the huge wastage in primary education.

One suggestion put forward by a delegate was to take up village work.

#### AN APPEAL FOR FRIENDS

Mrs. Rustumjee Faridoonji, in appealing for funds for the College of Domestic Science, stated that they needed now about three lakhs for starting the institution. She said that the success or failure of their conference depended mostly in their success or failure to organise that college.

*Mrs. Kameswari Amma* (Andhra) said that the activities of the Conference were growing rapidly. The policy of excluding politics had shut out a large section of the women of the land from attending the Conference. The burning problem of the day was the attainment of freedom for the country, and in the interests of the Conference itself she would suggest that a political section might be formed.

*Mrs. Hensman* said that they should not bring in the consideration of the Conference any matters full of controversy. Besides politics there were many other things which the Conference might undertake to do.

#### OFFICE-BEARERS FOR 1932

The following office-bearers were then elected for the coming year:—

*Rajkumari Amrit Kaur*, Chairwoman; *Rani Lakshmbai Rajwade*, Honorary Organising Secretary; *Mrs. Malini Sukthandan*, Secretary for Social Reform Section; *Mrs. Menon*, Secretary Educational Section; *Mrs. Maneklal Prichand*, Treasurer; *Dr. Muthulakshmi Reddi*, Begum Shah Nawaz, *Mrs. Rustom Landowar*, *Mrs. Miles Irving*, *Mrs. Amma Swaminathan*, and *Mrs. P. K. Roy*, Vice-Presidents.

The Chairwoman then announced various donations to the Conference Fund from the various constituencies.

The President then thanked the Chairwomen and members of the Reception Committee for their kind hospitality during the stay of the delegates. The Conference provided ample opportunity to make good friends and he was sure that the Northern Indian delegates would ever remember their stay in Madras. The next conference will be held at Lucknow and she hoped that Madras would send in its quota of delegates.

*Rani Lakshmbai Rajwade* also thanked the Reception Committee members for providing the delegates with every convenience possible and the delegate for showing confidence in her by re-electing her as Honorary Organising Secretary.

*Dr. Muthulakshmi Reddi* proposed a vote of thanks to *Mrs. P. K. Roy*, the President.

This was carried with acclamation.

*Mrs. N. G. Hensman*, the Chairman of the Reception Committee, hoped that the delegates would carry away with them pleasant memories of their stay in Madras, to offset the little inconvenience that might have happened to them. She then thanked *Mrs. S. V. Ramani*, *Dr. Muthulakshmi Reddi*, *Mrs. Bick*, *Mrs. Nallaperumal* and *Mr. Joseph* for the splendid manner in which the arrangements were made and so thanked the volunteers.

With three cheers to the President *Mrs. P. K. Roy*, the Conference terminated.

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## The Oudh Women's Conference

The fifth annual meeting of the Oudh Women's Conference was held at K. A. R. High Building, Lucknow during the week ending *31st October 1931* under the presidency of *Rani Lakshmbai Rajwade* of Gwalior, the organising Secretary of the All India Women's Conference. The hall was packed and the discussion on the resolutions showed the wide awakening among the women of Oudh. Not a little of the success was due to the untiring energy of the Dowager *Rani*, *Sahiba* of Mandi.

#### Presidential Address

*Rani Lakshmbai Rajwade*, in the course of her presidential address said:

"At the present moment we are passing through a political crisis which is so momentous and all absorbing and which in its outcome is going so vitally to affect our destinies that the vast majority of men and women are being today, feel that they cannot possibly afford to give their time and thought to such non-political activities as lie in our sphere. But despite this distraction fortunately there is a band of enthusiastic workers who still devote their best energies and time to the silent and unostentatious work of bettering the lot of our sisters in the country. It is needless here to narrate the services which the All-India Women's Conference

has been able to render in this direction, for they are too well-known to require any mention by me. Suffice it to say that the labours of the Conference so far have not been in vain and that the Conference has justified its existence by solid contribution towards the educational, social, moral and even material uplift of women in India.

But all that has been done up to now is perhaps only a drop in the ocean and an infinitesimal part of what yet remains to be done. With the appalling illiteracy prevailing in the country, with the child marriages still defying the Sarda Act with untouchability still casting a slur on the fair name of India, with iniquitous inheritance laws still depriving our Hindu sisters of their bare human right with Parda not yet completely rent asunder, the field of work before us is to say the least, extremely vast.

Ladies, you are all aware that the All-India Women's Conference started primarily as an organization for educational reform and one of its primary aims has always been to combat illiteracy among the masses. But I think I am free to own that until recently our main work in this direction has been confined to propaganda alone, very little practical work having been done.

It is, however, a good sign that our workers in the various constituencies have now realized the importance and felt the necessity of doing some practical work for the elimination of this evil, which shows that a proper beginning has been made. As a suggestion may I just point out that if our literate and willing sisters determined to impart literacy only to one or ten persons in a year, the gross result per annum would be stupendous. I am not unaware of the fact that it is difficult by far to encourage alone to tackle this vast problem and that unless Government are forced to assist not only with a Compulsory Primary Education Act, but also with sufficient funds to bring that valuable device into execution nothing can be achieved. But still, until conditions improve, or a state of affairs is ushered in when our Government would feel that its first object should be the education of the masses, private endeavour for what it is worth, must continue with ever increasing zeal to supplement the tardy effort of the Education department.

It is my firm belief that when illiteracy has been eradicated many other evils with which the body politic is suffering to-day would automatically disappear. We shall not then require vigilance societies to keep watch over the breaches of the Sarda Act, propagandist lectures for the violation of Parda or lantern lectures for impressing the need of sanitation etc. Talking of the Sarda Act I am reminded of the recent activities of a certain section of Hindus and Mohammedans who have again started their activities against this measure. It is understood that certain amendments to this Act are being contemplated which if they go through the Legislature will amount practically to losing the battle which has only so recently been won. It is up to us who are in fact directly concerned in this matter to see that these busy bodies do not succeed in their evil mission.

To come to the next point, although in the north the problem of untouchability has never assumed that brutal rigour which it has done south of the Narmada, still there are quite a number of communities in these parts who carry with them the stigma of untouchability. The All-India Women's Conference has taken up the work of creating public opinion against this inhuman treatment of human beings. Provision has already been made in the rules of the Conference to arrange for the special representation of the depressed classes in that body. The declared policy of the conference is to strive for the removal of such disabilities as temple entry, use of wells made out of public funds, admission of children of the so-called untouchable classes in the public schools, etc. It is the desire of the conference that each constituency should take up this work in right earnest and I would supplement that desire by a personal appeal to my sisters to make individual sacrifices for doing justice to our submerged fellow human beings. In this connection, I may mention that perhaps next to India's freedom, the cause nearest and dearest to Mahatma Gandhi is that of removal of untouchability. He has shown this not only by precept but by practice and it is for us to emulate his great example.

Another question which is of paramount importance to women, particularly Hindu women—is that of the laws of inheritance. It is a matter of common knowledge that except in certain areas (like Bombay and Malabar) the vast majority of Hindu women have no absolute right to ancestral property either of the husband or of the father. What untold misery is caused by this iniquitous treatment specially when the woman in question is a widow and dependent upon others—is a



matter of common knowledge. Efforts are now being made by that venerable champion of Indian womanhood, Rai Bahadur Harbilas Sarda, to remove this disability attaching to Hindu widows. But the bill which has been tabled by Mr. Sarda is only a fragmentary measure which at its best can meet merely a part of the need. In this connection, if you permit I would commend to your notice a very valuable suggestion made to me by Mr. V. V. Joshi, pleader of Baroda, that the conference should strive to secure the appointment by the Government of India of a commission to enquire into and suggest remedies of all the legal disabilities attaching to Hindu women in matters of inheritance. This step has already been taken by some of our premier Indian States and we may shortly expect to see on the statute books of Baroda and Mysore special provisions made for the protection of the helpless Hindu widows against the existing unjust laws.

Allied with this is also the necessity of providing for legal divorce in Hindu society, in which we would do well to take the cue from Islam. This subject was first taken up by the ever-progressing State of Baroda where there is a regular Divorce Act enabling Hindu couples to part company in certain intolerable conditions. I would submit that this is a matter of extreme importance and if taken up in earnest will certainly provide means to hundreds of suffering people to put an end to the miseries caused by unhappy alliances.

Another problem of national importance which is facing us to-day is that of limiting the excessive growth of population in this country. The figures of the last census show the appalling increase of well-nigh three crores of human beings, in spite of so many epidemics and other causes of destruction. This is nothing but an unnecessary addition of perhaps so many decrepit specimens of humanity to our already over-grown population. If India has to take her proper place in the comity of nations, her first concern should be to rear a race which would be worthy of her. This can only be achieved by proper attention to eugenics which necessarily involves the practice of regulating births. This will not only save the womanhood of India from an undue physical and mental strain but will also help partly to solve the grave economic problem with which we are face to face to-day.

Lastly, I would like to put in a word for our sisters of the labour class. We are all aware of the conditions in which their work is carried on. Due to dire poverty and also due to lack of knowledge of even their legitimate rights, they allow themselves to be exploited by the capitalist. Unfortunately, there are no adequate laws for their protection, and at times they have to carry on the work even in those delicate conditions of health, which generally precede and follow confinement. The All-India Women's Conference devoted a whole session last year to the discussion of ways and means of bettering their lot, and there is also going to be held a women's labour conference next February in Bombay. I do not know if there is a considerable labour population of women in these parts, but if there be, I would request this constituency to organise that labour and champion their cause.

In the end, I would earnestly appeal to all my sisters assembled here to try their utmost to help the cause of indigenous industries. By doing so we will be creating occupation for hundreds and thousands of poor people who do not know what it means to have a second meal in the course of a day. I have no political crotchets to push forward, but this is a subject on which everyone must agree to co-operate. Already there is a powerful wave to patronise Swadeshi industry but in certain parts of India it does not seem to have made much headway. In these parts our brothers and sisters are still in the grips of that fell malady which for want of a suitable name may be dubbed Indophobia. It is noticeable in dress, in manners, in the mode of living and almost in every activity of life. By all means, pick what is best in all that comes from abroad, but we must so choose that our own individuality would not suffer.

### Resolutions

The following were among the resolutions passed :—

(1) "This conference exhorts the central and provincial legislatures to do away with all the customs, conventions and laws regarding the Muslim right of inheritance which are contrary to the Muslim laws.

(2) "This conference deeply deplores the sad and untimely demise of Lady Tata and the Maharaja of Mahammudabad who were always ardent helpers in the women's cause. (From the chair.)

(3) "This Conference whole-heartedly invites the All-India Women's Conference on educational and social reforms to meet in Lucknow in the year 1932.

(4) "This Conference calls upon the local Government immediately to provide adequate facilities for the rapid expansion of compulsory primary education of girls in this province and urges upon the district and municipal boards to nominate women members on their education committees.

(5) "This Conference emphatically resolves itself against any and every amendment introduced or proposed to be introduced into the Legislative Assembly intended to limit or weaken or hamper the operation of the Sarda Act, and further it hereby calls upon all individuals and organisations interested in social reform to resist such attempts.

(6) "This Conference resolves in favour of universal adult franchise as the basis of the new constitution. The women of India have no desire to seek any specially favoured treatment for themselves as long as their full and equal citizenship is recognised in practice as it is in theory.

(7) "Resolved that this Conference demands the introduction of further legislation to improve women's right to inheritance under the Hindu Law along the line of Baroda State.

(8) That this Conference congratulates the Government of Baroda on the bold lead it has recently given in the matter amending the Hindu Law regarding women's right of property and divorce.

(9) That this Conference calls upon the Government of India immediately to take the necessary steps to implement the recommendations of the Whitley Commission Report in respect of the improvement of the condition of women labour in India.

## The U. P. Women's Conference

The first United Provinces Women's Social Conference was held at the Ganga Prasad Varma Memorial Hall, Lucknow on the 3rd. November 1931 under the presidency of Begum Mahmudullah Jung of Allahabad. Ladies from all parts of the province attended. The delegates numbered over 1,000. Prominent among them were Mrs. Kamala Nehru, Begum Wazir Hasan, the Rani of Kalakankar and Rani Vidyavati.

The proceedings began with a welcome song by a number of girls. On account of the sudden indisposition of the *senior Rani Sahiba of Feroz*, Chairwomen of the Reception Committee, her address was read by Mrs. Mittra. Welcoming the delegates she said it was the first gathering of its kind in the province which had undertaken to work out social reform among women. She deplored the non-existence of such an organisation before, but recognised the good work done by other organisations in the province.

Speaking about the awakening among women, she said: "The part which our sisters took in the last Satyagraha movement reminds us of the heroic women of yore and proves what we can do for the amelioration of our sisters and the nation. She said the happenings of the last one year and a half had brought home to them their capacities and broadened their outlook and their field of action. She expressed her satisfaction on the fast disappearing *pardah* and hoped to see no *pardah-nashin* lady after a few years.

She deplored the indifference of the Government towards the proper enforcement of the Child Marriage Act and said: "We are not to wait for social reforms by Government legislation." She deplored the prevailing indifference towards education among women and said that education was the first essential of social reform.

Concluding she hoped that the ladies gathered there would not sit over the resolutions but go back with the conviction that their regeneration lay in their own hands and that they had to work for it.

After being formally proposed and seconded, *Begum Jung* took the chair amidst loud cheers and in a pleasant voice delivered a brief and businesslike address which concluded with an impassioned appeal for Hindu-Muslim unity.

The conference passed a number of resolutions condemning child marriage, the dowry system and polygamy, and opined that these should be made penal and urging that women should have the right to seek divorce from immoral husbands and widows to remarry. (From the 'Leader').

# The Tamil Nad Women's Conference

The Tamil Nad Women's Conference commenced at Erode on the 12th. September 1931. About 1,000 ladies attended the Conference. Srimati Padmanavathi Asher delivered an address welcoming the delegates. Srimati Durgabai opened the Conference. Srimati Saraladevi of Utkal then delivered her presidential address.

## Welcome Address

The following are extracts from the welcome address of *Srimati Padmanavathi Asher* :—

The very pleasant duty of welcoming you all to this conference has been entrusted to me by my kind friends of the Reception Committee. I do not take it as any personal honour done to me but I believe it is a call to me for service, as a symbol of a great movement started by a great organisation led by the revered Sage of Sabarmati—because in the last 'Dharmayuddha' or Holy war in response to this call, that the women of the land should take their own place in the army of non-violence, I had my very humble share also. In accordance with the usual convention, I have to deliver an address and I crave your indulgence to bear with me patiently and kindly. It may not be learned, but it is of the heart.

Gandhiji's teachings are all broad-based on spiritual and humanitarian considerations. The ordinary man feels no novelty about it but takes it all, only as a revival to reconstruct degenerate society on the same ancient foundations. By personal example and exalted character, absolute renunciation and dedication to service of the suffering and poor Humanity Daridranarayan, with Ahimsa and Satya as weapons, he has created an unparalleled mass awakening. His constructive proposals, very simple in themselves, were for purging and purifying our society and non-violent Satyagraha, the moral equivalent of war, was prescribed for fighting and converting our powerful enemies, equipped with all the latest and deadliest engines of destruction.

After the Delhi settlement, it was not all smooth-sailing for Gandhiji to enable him, at once, to leave for the Round Table Conference not because he expected to bring much, but it would give him an opportunity to place the demands of the Congress before the bar of world opinion, especially after his recent successes. Peace-lovers the world over desired that he should go to London and expound his views and philosophy.

Gandhiji had already left the shores of India to-day, as the sole representative of the Congress. He goes to London not only to attend the conference and to put forth the Congress demands but he goes there in a higher capacity as the apostle of truth and Non-violence. He goes there not only to serve India, but to serve whole humanity. Any successful solution of the Indian problem would be the triumph of non-violence and truth.

Now that Gandhiji has sailed, what is the work before us all to-day? If Gandhiji's discussions of the terms of peace with Great Britain conclude honourably, it is all to our good. Otherwise the further prospects of a renewal in an aggregated form of the war of Satyagraha and its consequences are too terrible to imagine. However, I take it that we are not to sit idle meantime expecting much from Gandhiji's visit to London. We have to strengthen ourselves yet and strengthen his hands in London. We must be sending him pleasing and satisfactory information to London always, and how is all that to be achieved? Gandhiji himself and all Congress leaders have given us messages. We have to put on the constructive work at the same time, showing the most scrupulous respect to the terms of the Delhi settlement so far as they are applicable to the Congress. Gandhiji has specially enjoined that more vigorous efforts should be made to do away with the curses of drink, drugs, untouchability and foreign cloth. He has incessantly asked us, in and out of season and for years now, to spin and wear Khaddar and to-day, he has again reiterated, that the boycott of cloth could be only effective by increased production and use of Khadi.

As mothers and sisters, a great responsibility always rests on us and at this juncture, when Gandhiji has left on our behalf, expecting us all to strengthen his hands, it behoves such of us as could easily come forward to come and join this army of National workers.

In all recent women's gatherings the subject of women's rights is given a prominent place. Now that we are all working for our Swaraj, where is her place in the future polity of India? What will be her status in the social life of the land? How will her economic condition be improved? Gandhiji in his latest message about the Swaraj of his vision has pointedly answered that woman will have equal rights with men. But the charge is made here and there, that Gandhiji has let women down in the Karachi Congress in not providing for their fundamental rights. Nor has the Working Committee of the Congress taken up the question of the rights of women as such. Whatever rights our sisters may mean, Gandhiji, has now said that women shall have men's rights such charges cannot be brought forward now. I take it, that in all documents the word "Man" is intended to mean "Woman" also. But judging from the past I feel that our men will be more than chivalrous on every occasion towards their womenkind. I feel, as explained above, that under Gandhiji's spiritual leadership women of India are destined to play a greater part in the mission of service of humanity at large.

I welcome you all heartily to this Conference and commend you all to the charge of our esteemed sister, Srimathi Saraladevi of Utkal, the President-elect of our gathering to-day.

#### Presidential Address

The following are extracts from the presidential address of *Srimati Saraladevi* :—

I am very grateful to you for inviting me to preside over this Conference. The institutions and the ideals that have governed the lives of the women in India, all through the ages, have been universally shared in by all the classes and castes and creeds and communities. The consecrations of birth and death, the vows of marriage, the worship of family deities, the obligations of hospitality, the etiquette of social life, the loyalties of the home as sisters, mothers, wives and relations, these and such other features of an ordered social life are witnessed to among the women of various communities of India, not excluding what are called untouchables and aborigines. India is one and henceforth will always be one. I, therefore, feel no barriers of language to-day. I enter into your hearts and find your love there.

Women are called men's *Ardhanga*, that is half—and in number you will find, they are half of the world population. Hence the problem of women is the problem of half of the population of the world. Of all the movements that found their birth at the end of the last century, the movement of women is the most important. This movement can be safely named as the Revolt of Women. This revolt of women is not sudden, it came in its natural course. For ages together, men in their selfishness, overlooked the importance of women and treated them as their inferiors. The slave treatment that the women received at the hands of the men reduced them to the miserable state of animals. Consequently, their joy of life was very much suppressed. But women bore all these with great patience till the utmost limit of their patience came to a breaking point. Their longing for emancipation gushed forth, it flowed like a stream. There is nothing in this world which can check it. They are out to have emancipation. They want to bring a revolution to better their position and they will succeed.

At the time of revolution, you know the old order must change and give place to the new. It is at the time of the transition that much courage and patience is required. I know the movement of women in India at present is in the transitional stage. The change of the old order yielding place to the new will bring about in Indian society a great uproar. Our society is known to be very conservative and introducing reformation into it means facing a great fire of opposition which may ruin you. But persons are required for it. And you must come forward to do it, even at great sacrifice.

In our society many of the trouble arise from the conservatives which are mainly due to their ignorance. They often interpret the *Sastras* wrongly. They are so reluctant to change their ideal based upon these prepossessions and old forms of conventions that we find it difficult to convince them without kindling their baseless wrath.

While it is true, largely to our ancient past, that women accepted the household as the proper field of their life's destiny and fidelity to the husband and his interests as their chief aim of life, it is unhistorical to say that this ideal was universally enjoined or that such a narrowing of life's interests was ever accepted by all women. It was open to women, according to the law-givers of India, to give up marriage and lead a life devoted to Brahmacharya, while it was open to the women of ruling classes (I say classes advisedly for persons of all classes, from all castes, from Brahmin to Nishadha or Pulinda held sovereign reign in India) to verse themselves even in military arts of offence and defence, govern provinces, and lead armies into the thickest of battles. The circle of their domestic interests was enlarged to embrace the countries under their rule and in the case of the Yoginies, the whole universe was their family...*Basudhain Kutumbakam*. The social position of women in the ancient times was very high. The lady was respected as a Goddess and it is plainly mentioned in the Shastras, where women are respected there reside the Gods—"Yatra Naryastu pujiyanta ramanta tatra Devata."

But our conservative people are dead against giving them the status which women enjoyed in the ancient past. This is intolerable and it is more so at a time when the world movements go to prove that the social status given to Indian women in ancient days is quite insufficient. Society must mould itself according to the spirit of the times.

We are in a new world, in a new atmosphere, inspired by Western ideas of life and action, educated in Western literatures, art and science, first because our menfolk have thus become emerged in westernism and we follow them in their wake to make useful helpmates of ourselves. As in ancient times, we are anxious to stand by them, unimpaired in our family loyalties, unsullied in our far-famed chastity, the only jewel of womanhood, undaunted by obstacles. We are anxious to repudiate the charge that in India the women are the greatest obstruction to any aspect of social life. But let me urge that we should turn the critical spirit that we have learnt from the West unto our social life and institutions and the ideals determining it and find to our great delight that our ancient Indian ideals, obscured by latter day outgrowths of social organisations, are the broadest, the humanest, the most healthful and sanitary, and the most spiritual ever conceived in the history of mankind. The evils that crept into our society, to a great extent, marred our ideals. We must fight them out. Our love of ornaments, the compulsory shrouding of women under the purdah, child marriage, the denial of remarriage for widows and our inferiority complex must go. Till then there is no hope for the society. This is our duty and we must do it.

The denial of freedom and consent in marriage, the denial of freedom of movement in the home and society and the denial of freedom in education and the denial of freedom of acquiring the means of livelihood are some of the social evils that cloud the divine in womanhood and reduce them to the miserable position of animals in society. Their position is pitiable. Our men are not unaware of the great happiness that would accrue to the home, if women are allowed freedom in all such matters. But they have got their own mortal fears and reservations. As the foreign bureaucracy anticipate utter and unthinkable chaos in India the moment their rule is withdrawn, so our men, even English educated men, shudder at the contemplation of a chaos, that would result in the freedom of women. We do not mind what the foreign bureaucracy may think. But when we come to the menfolk we cannot say the same thing. It behoves us, therefore, to make our menfolk doubly sure that all the freedom that we ask is desired by us only to make ourselves the best Indian women, according to our highest spiritual standard and help our menfolk to make themselves the freest and the most spiritual representatives of modern humanity. We realise, as keenly as our menfolk do, under the leadership of Mahatma Gandhi, that we can make our distinct contribution to the life of the modern world by adopting *Satya* and *Ahimsa* as the guiding principle of our lives, lives free from fear and hypocrisy, free from violence in thought, word and deed. The vows of marriage and the principles of consent involved in our holy rituals are equally binding on the bride and the bridegroom and all our self-enfranchising zeal instanced in the pleas for adult marriage, in the remarriage of widows or even the right of divorce, would amount fundamentally to this, that the same law that governs men's destiny should govern women also.

The following are some of our immediate demands and we must direct all our energies to have them fulfilled. The lady delegates of the Round Table Conference, whose number has been made inadequate by the Indian Government must see that the following demands are accepted in that Conference :—

(1) Fundamental rights of women, such as (a) equal rights of inheritance of father's property, (b) equal rights in husband's property, (c) right upon their body, (d) right upon their mind, (e) right upon their children, (f) right to employment in all departments of public services, and (g) equal rights of citizenship. (2) Compulsory primary education for girls and facilities of adult education for women. (3) complete adult franchise of women; and (4) dignity of free labour.

The question may be asked 'How can we attain them.' By the strength of our agitation, we must force menfolk to concede to our demands and at the same time carry on propaganda among ourselves. This is uphill work and all possible means must be tried to attain them. The atmosphere of operation is more favourable in a Swaraj Government than in a bureaucratic one.

The Civil Disobedience Movement, the struggle for independence, was inaugurated by Mahatma Gandhi to give a new shape to the destiny of the Indian Nation and we form one half of the nation. Hence the shaping of our destiny depends much on this movement. And we must give our quota to it, and the country has every demand upon us.

Now, Mahatmaji as the sole representative of the Congress has accepted the invitation to attend the Round Table Conference. I cannot definitely say whether the R. T. C. will succeed or not. In case Mahatmaji returns to India with empty hands there is no knowing when the country will be called upon to prepare for another Satyagraha war. We must be ready to jump at the clarion call and once again show to the world that the love of freedom of Indian women is not less than that of the women of any other country. They are not dead, they are alive.

That women can distinguish themselves equally well with men in heroism, insight, leadership, endurance, suffering, equanimity, resoluteness, faith and vision at critical moments in councils or in war-field is amply illustrated in our ancient and medieval history. It is therefore untrue and ungenerous to say that the entrance of Indian women into politics will impair the sacred cause of Indian freedom. Under the leadership of Mahatma Gandhi and others of his redoubtable colleagues it is a matter of the greatest satisfaction that our sisters of all provinces, all classes, all creeds, lettered or ignorant, labourers or zenana ladies, all have stood equally well the brunt of the bureaucratic wrath in the Satyagraha campaign and more than all they have earned the right to have the sole charge of picketing. I would therefore earnestly pray that our sisters, who would seek economic independence from menfolk, should also cultivate the art of offence and defence, which would obviate their dependence on men in this respect also. Such were the Rasis and other women of the household of all rulers of ancient India.

But these are extraordinary activities, somewhat like Apat Dharma, contemplated in our sociological books. My sisters, our field is the home. We are by marriage installed leaders of the home. We are the mothers of the race. We carry the home spirit into the world. We are called the ornaments and enlighteners of the home. We need cultivation in those sciences and arts which will enable us effectively to fulfil our destiny. Life may lead us to rule kingdom, to administer schools, to minister to the sick and the depressed, to fulfil any avocation in life. Let us carry the home spirit wherever we go and into whatever we may do, the affection of the mother, the sympathy of the sister, the illumination of the counsellor and we shall be not only leaders of the home but leaders of society.

Let the Indian women be awfully pure like the mother Kali, divinely loyal like Savitri, devotedly learned like Maitri and Gargi, transcendently heroic like Durgavati, indescribably spiritual like the great Tapaswanis and Vairahis, and our Indian womanhood may again rise to be the ornament and the inspiration of the universe.

Coming to your Tamil Nad, the land of the memorials of our ancient civilization, of great temples, of immemorable shrines, of famous pilgrimages, of sages and saints among women, of great devotees, of the famous religious reformers, of learned preachers of untold arts and sciences, of altruistic persons of all ranks and grades of society, coming amidst you from far off Utkal, I feel, once more, my own humility and insufficiency to rise to your expectations. But I fervently thank you for having given me this opportunity of traversing the lands and waters, made sacred by the footprints and daily baths of our Sita Mahadevi, the dear and never-failing consort of our lord Sree Ramachandra. May her dear blessings be on us all as we get to the work of this Conference and may her life be our great and abiding inspiration! 'Vaudemataram'. (From the 'Hindu').

# THE PROVINCIAL POLITICAL CONFERENCES

## The Bengal Provincial Conference

BERHAMPORE—5th, DECEMBER 1931

The special session of the Bengal Provincial Conference was held at Berhampore on the 5th. December 1931 under the presidency of Sj. Hardayal Nag.

### Welcome Address

Welcoming the delegates to the Conference *Maulavi Abdus Samad*, Chairman of the Reception Committee, appealed to his co-religionists to join the Congress in large numbers. He believed that, in the near future, there would be no other organisation except the Congress which would speak for the whole of India.

Dealing mainly with the Hindu-Muslim question, Mr. Samad said that unity between the two communities was possible only when each had learnt to respect the culture and civilisation of the other. At the present moment, there was mutual distrust and suspicion which was being fanned by the policy of "Divide and Rule". The two principal obstacles in the way of solution were separate electorates and separate schools for Mahomedans. Besides, the Hindu hate the Mussalman, not the religion but the man; whereas the Mussalman hate the Hindu, not the man but the religion. This mentality must be got rid of before any lasting solution was possible and it can only come if the Hindu and the Mahomedan were taught in the same school where they could learn to respect each other's culture and civilization.

So far as separate electorates are concerned, it is the British who have given birth to them. Those who knew how it came into being, following a deputation to Lord Minto, would feel justified in saying that separate electorates were introduced to widen the gulf between the two great communities. It was regrettable that a section of Mussalmans had so far forgotten himself as to be able to do away with freedom, but not with separate electorates.

Mr. Samad took the opportunities to criticise the Minority Pact which, he said, was a clever ruse on the part of educated Mahomedans to control the illiterate ones at the latter's expense. For, if truth were to be told, 99 per cent of Mussalmans were illiterate, and he asked what the Aga Khan and his group had done to improve the condition of these people, who were mostly agriculturists and labourers. If, as a counter-reply, the illiterate Mussalmans demanded the right to send their representatives, and obtain appointments according to the population basis, would the Aga Khan have the courage to support such a proposition although they had agreed on these points to the demand of the so-called Hindu untouchables?

He bang his head in shame when he recalled the part played by the nominated representatives of the Government at the Conference on the communal issue. They had sacrificed their country's interest to further their own and the Conservative Imperialists and the Indian Bureaucracy had succeeded in delaying the freedom for India with the help of these Mahomedans. Mr. Samad definitely advocated joint electorates as separate electorates were a hindrance to democracy. Mussalmans, he declared, would never accept separate electorates.

Urging the Hindus to extend their hand of fellowship to the Mahomedans, Mr. Samad pointed out that the Chittagong and Dacca incidents were a reminder to them to set their house in order. Those who advocated pan-Aryanism and pan-Islamism in the twentieth century were living in a fool's paradise. They must get rid of this imaginative fear, try to understand each other and cultivate each other's friendship. In that direction lay the solution of the problem.

Touching the political question, he charged the Government with violating the Trust terms. The measures promulgated by the introduction of the Ordinance were in his opinion a clear breach of the Pact. As a Congress worker, he denounced terrorism and the part played by young men who believed in this cult. But at the same time, the Government should know that the measures adopted to deal with

terrorism touched only the symptom of the disease, If the Government wanted to eradicate the evil, there must be a change of heart on their part and the demand of the people must be granted. Thus, and thus alone would the foundation be laid for Swaraj.

### Presidential Address

In the course of the Presidential Address, *Sj. Hardayal Nag* said :—

"The Congress has not come into being to die. It will outlive all attempts to crush it. Through this Congress will rise the sun of India's freedom. No price is too great for the Indians to pay to enhance the power and prestige of the Congress. Every Indian who loves his motherland must be initiated into the vow of freedom and assemble under the banner of the Congress."

Continuing, *Sj. Nag* said the more powerful the Congress was, the greater would be the success of their fight for freedom. The bureaucracy, to whom the Delhi Pact was nothing more than a political force, had been trying in every possible way to humiliate the Congress since the Gandhi-Irwin settlement. While Mahatma Gandhi, who went to England as the representative of the Congress, was preaching the importance and greatness of the Congress, Official India, assisted by those non-officials who were enemies to Indian freedom, was determined to kill the Congress. The speaker held that every phase of repression that had been launched in the name of law and order was calculated to strike at the root of the Congress. But the Congress, he was proud to say, survived the onslaughts, both of lathis and of bullets.

Proceeding, *Sj. Nag* said that to-day the struggle for freedom was face to face with a terrible obstacle. A handful of impatient young men, under the mistaken notion of achieving their goal quickly, had chosen the path of violence, and the bureaucracy, exploiting the situation and on the plea of suppressing anarchism, was openly striking the Congress. Many prominent Congress workers were to-day detained, simply on the strength of the reports supplied by Government's secret agents. *Sj. Nag* pointed out that ordinance after ordinance was promulgated to take toll of their national workers which no country could take lying down.

Referring to the incidents at Chittagong, Hijli, and lastly, at Dacca, the President said that they had proved how far irresponsible men, when endowed with undue power, can abuse it. He was surprised that in the face of these derelictions of duty on the part of the guardians of law, Government though it advisable to arm officials with further special powers thereby giving them an unfettered license in their action. By imprisoning thousands of young men on suspicion, by placing individual liberty at the mercy of the police and by bringing about a regime when family peace was going to be destroyed and nobody's wealth and honour was safe, Government had created a most unhealthy atmosphere full of disquietude, and it was as if Government was challenging the Congress to a fight.

As regards communalism, *Sj. Nag* said, its proper place was in the field of religion, and not in politics where the question of nationality should be the upper most. After criticising the present system of education in India in which there was no provision for the training of students in politics and sociology and which, he believed, was designed to perpetuate the slave mentality in students, the President dwelt on the importance of non-violence specially for an unarmed people like the Indians. He asserted that for the emancipation of a poor, helpless and down-trodden nation, non-violence is the most potent weapon. He then exhorted the people to stiffen boycott which would help them in their political as well as economic emancipation.

He spoke highly of the part played by women in the last Civil Disobedience Movement any hoped they would come forward with renewed enthusiasm and redoubled vigour.

Referring to the Round Table Conference, *Sj. Nag* ridiculed the idea of winning freedom through a conference which generally used to be the meeting place for representatives of free nations to compose their differences. The very nature of the composition of the Indian Round Table Conference, the speaker held, was against yielding any tangible result in the matter of India getting freedom, as it consisted of not a few who were avowed enemies to India's freedom as well as some, who in their zeal for showing loyalty, went so far as to express their want of confidence in Indians. The President maintained that if only a handful of Indians were allowed to enjoy a few crumbs of what their alien masters were enjoying, it would not emancipate 35 crores of Indians from thralldom.



In conclusion, the President said: "The Round Table Conference has given a decent burial to the Delhi pact. The time has now come for us to decide our course of action. Let your joint deliberations and combined judgment work as a beacon light to Bengal in her hour of darkness, showing her the proper path to follow. With us freedom is the first word and the last and let us advance with sure steps keeping this always in view."

#### SECOND DAY: 6th, DECEMBER 1931.

The second day's proceedings commenced at 2 P. M. this afternoon with the national anthem and an inspiring song by the girls.

One of the first two resolutions condoned the death of Pandit Motilal Nehru, Moulana Mohammad Ali, Pandit Ganesh Shankar Vidyarthi and Chamel Debi and the other condoned the deaths of Moulana Seraji Sarat Roy Choudhuri, Sudhangsu Sarma Pashupati Roy and Kumar Krishna Dutt.

The third resolution paid homage to those who helped the success of the freedom movement by all means including the sacrifice of life.

The fourth resolution condoned the deaths of Santosh Mitra and Tarakeshwar Sen Gupta and urged the Bengal Provincial Congress Committee to arrange for a suitable memorial and sympathised with the injured at Hijli.

All the resolutions were moved from the chair and adopted.

#### IMMEDIATE RELEASE OF DETENTS

*Sri Legendra Chandra Chakravarty*, veteran Congress leader, then stepped into the rostrum amid cheers and moved a resolution demanding an immediate release of over one thousand young men who were being detained in and outside Bengal jails without trial for an indefinite period in pursuance of the repressive policy adopted by the Government at the dictation of the European mercantile community and Anglo-Indian journals, as the continuance of this policy is creating an atmosphere unfavourable to the Congress creed of non-violence and further characterising Ordinance IX and XI as a virtual rule in Bengal which has placed the lives and properties of the children of the soil at the tender mercy of the Executive officers as repugnant in that they tend to lower the faith of the people in the potency of the Congress programme.

Moving the resolution he said that the resolution narrated in compact form all the factors which were responsible for bringing about the present situation in Bengal. Whenever exception is taken to Black Legislations like Ordinances IX and XI they trot out a bogey of terrorism by some misguided youths of this Province assuring all whom it might concern at the same time that those Ordinances were meant to be applied only against those who were considered as outside the pale of the law. In this connection the speaker wanted at the outset to assert that Congress organisations had nothing to do with the terrorist outbreaks. In spite of public disclaimers by leaders of Congress organisations, interested parties would persist in foisting responsibility for such outrages on the Congress and unfortunately for them the Government seemed to believe as gospel truths whatever emanated from those interested quarters the result was that in spite of protestations to the contrary they found that their colleagues and co-workers were being spirited away from their midst on the merest suspicion so much so that the conclusion became irresistible that the current Ordinances would be employed as they had been employed hereto in crippling the Congress activity in this Province.

Concluding, the speaker said that it was impossible to expect that peace and order would prevail in Bengal while more than a thousand young men should be rotting in detention camps. He asked the Government to realise that indiscriminate arrests and indefinite detention only serve to embitter the feelings of all alike and defeated the very object with which those Ordinances were promulgated. The resolution moved by him was meant to enable the Government to undo those grievous wrongs.

*Maulvi Ashrafuddin Chowdhuri* of Comilla in seconding the resolution said that grave injustice was done to the detainees in Bengal when they were ignored by the Congress Working Committee while the terms of Delhi Truce were drawn up. Further, said the speaker, the inability of Congress leaders to do anything to improve their lot tended to diminish their faith in Congress programme. It was the only natural human psychology that when they found that in spite of the Congress doing nothing least calculated to embarrass the Government during the truce period the

latter went on merrily with their policy of repression to feel that no useful purpose would be served by maintaining allegiance to the Congress. It is this mentality in the youngmen of Bengal that must have driven them off to resort to terrorism. The speaker thought they had waited too long for the Government to see their mistakes and mend their ways, but the only reply they got was Ordinances IX and XI. This, the speaker thought, was a direct challenge to the Congress and also to the manhood of Bengal. He hoped the Conference will accept the programme of action chalked out by the Subjects Committee after a protracted deliberation. But as a preliminary to that he urged the acceptance of the resolution demanding an immediate release of the detenus.

The resolution was put to vote and was unanimously carried.

#### REVIVAL OF BOYCOTT

*Spta. Urmila Devi* was then called upon to move the main resolution of the session embodying a programme of action designed to compel the Government to accept the demands of the nation for Chittagong, Hijli and Dacca incidents. The resolution ran thus :—

"In view of the recent happenings at Chittagong, Hijli and Dacca and the indifferent and callous attitude of Government about the demands unanimously made by the public in the press and platform for the redress of these wrongs, indiscriminate arrest and detention of Congress workers and office-bearers of Congress organizations in Bengal and lastly the promulgation of the latest Ordinance, which is tantamount to semi-martial Law in Bengal, this Conference is of opinion that Government have practically ended the Gandhi-Irwin Pact so far as Bengal is concerned and resolves that time has arrived for the resumption of Satyagraha campaign for the attainment of independence which alone can remedy all these wrongs and urges the people of Bengal to prepare themselves for the coming fight and that in the meantime the following programme be given effect to without delay : (1) Intensive boycott of all British goods, (2) Boycott of all Banks, Insurance Companies and Steamship Companies and other concerns controlled by the Britisher and boycott of Anglo-Indian Newspapers, (3) Boycott of Foreign Cloth and (4) Prohibition of Liquor and Intoxicating Drugs.

"This Conference further requests the Bengal Provincial Congress Committee to take necessary permission from the Congress Working Committee and take all necessary steps in the behalf."

Moving the resolution *Spta. Urmila Devi* said that when leaders like *Sj. Subhas Chandra Bose* were present on the dais the choice of the President fell on her, perhaps because he thought that it was the best way of showing recognition of the signal services rendered to the freedom's battle last year by the lady workers in Bengal. Continuing she said that immediately after the Hijli incident when she went inside the detention camp to persuade the detenus to break the hunger-strike, she assured them that if the Congress Working Committee did not make their cause an All-India issue, Bengal's workers would not hesitate to cut off all connection with the A. I. C. C. and start a countrywide agitation over this issue. Three months were about to elapse but nothing tangible has been done by way of redress of those wrongs. On the other hand they had seen in to-day's papers the Government's resolution on Hijli Report laying entire blame on the detenus who were most grievously wronged. That must have convinced them what justice they could expect from the Government.

Continuing *Spta. Urmila Devi* said that everybody must have by now been convinced that Bengal will have to rely on her own efforts to secure adequate reparations from the Government and also to make impossible a recurrence of the atrocities which were perpetrated in Hijli, Chittagong and other places. In this connection the speaker could not forget what a grave wrong was done to the detenus by their own countrymen on the Congress Working Committee when they tacitly admitted that these youngmen were violent criminals by not mentioning about them at all in the Delhi truce terms. That was really the unkindest cut of all and it was time that they should set out to undo that injustice and not a single moment should be lost in launching upon a fighting programme which will be expected to bring about release of these unfortunate detenus and also prevent a reception of Chittagong, Hijli and Dacca incidents.

*Sj. Brajendra Narayan Choudhury*, seconding the resolution, made a striking and forceful speech in course of which he said that the only way of dealing with Britishers who were a nation of shopkeepers was to devise a plan whereby their pockets could be touched. No other argument appealed to them. He thought the programme of action suggested by the resolution before the house was eminently practical and, if pursued vigorously, would compel the European mercantile firms and the Government to go about knocking at the doors of the Congress suing for peace.

The speaker concluded by urging Bengal's workers to accept the challenge of Pt. Jawaharlal Nehru and prove that she could do greater things than what had already been achieved by her. He joined issue with those among his friends and colleagues who thought that the boycott of British goods was against the Congress creed and stated that the point was raised merely to cloud the issue.

*Mr. K. F. Nariman* in course of an inspiring speech paid handsome tributes to the achievement of Bengal up to the present time in freedom's battle and also conveyed fraternal greetings on behalf of his own presidency. He begged of the people of Bengal to believe in his assurance that of late no subject had been discussed so seriously and with so much sincerity by the Working Committee as the Bengal situation. He also assured the house that any programme of action the conference might decide upon, provided it was consistent with the Congress creed, would be approved of by the Working Committee. It was impossible, he said, for any Congressmen to ignore Bengal. The whole of India is proud of the political record of Bengal. How can the Congress forget the glorious record of Bengal. Can we forget that forty years ago the Late Dadabhai Naoroji unfurled the flag of Swaraj in patriotic Bengal. Can we forget that in years when the Congress and the country were simply petitioning, deputationing and protesting, the credit of starting direct action fell to the lot of Bengal. If Bengal is not the birth place she is certainly the place where the Congress seed has been nursed and nurtured and has developed into a mighty tree that we see to-day.

Continuing *Mr. Nariman* wondered whether the Government of Bengal or the European Association was ruling the province. Members of the European Association appeared to be conferees of the Government and administration appeared to be carried on according to their dictation. Declaration of the policy of Government is no longer made on the floor of the Council Chamber but at a dinner of the European Association. "Why then this farce of Legislative Council?" He asked. Incidentally the speaker suggested the resignation by the M. L. C. as a protest against the Government's flouting of the Council.

Proceeding he said that they would not allow the nationalist movement to be wiped out in any part of India. He knew from experience that no amount of repression could wipe out the nationalist movement in Bengal. Repression had been tried in the past but had miserably failed.

Concluding he called upon the whole of India to be united on the Bengal issue and to make it an All-India question as was done in the case of the Punjab a few years back. He appealed to the workers to bardolise at least two or three districts of Bengal if it was not possible to bardolise the whole of the province.

*Mr. M. S. Aney* addressing the house next spoke in the same strain as *Mr. Nariman* eulogising Bengal's achievements in the past and assured the Working Committee's sympathy and active interest in Bengal's afflictions and troubles. One thing, he said, that was needed in Bengal was the preparation for fight. Preparation must be preceded by a decision on a definite line of action.

Referring to Bengal's glorious achievements in the national cause the speaker asked: "Can you point to a record more glorious than what Bengal has? I am not exaggerating when I say that Bengal is the pioneer of nationalist movement which has now assumed such a gigantic form in this country." In this connection *Mr. Aney* referred in the most glowing terms of the move taken by *Sj. Subhas Chandra Bose* to end what dissensions there were in Bengal's Congress ranks. *Sj. Subhas Bose* has shown them in what spirit to act in the face of a national crisis. It was because of his self-effacement and also of some others in the opposite camp that an amicable settlement was possible to be brought about by the speaker.

*Babu Rajendra Prasad* speaking next in Bengali assured the house of the whole-hearted support in their troubles as the speaker could not forget what debt he owes to this fair province where he spent 16 valuable years of his life.

After this the main resolution urging boycott of British goods etc. was unanimously adopted.

#### OTHER RESOLUTIONS

(1). On the motion of Sj. Nagen Sen. Mr. Asadulla Siraji supporting, the Conference then invited the full attention of the countrymen to the Congress creed of non-violence as the main item for the fight for freedom, urged those following the path of violence to desist from it and requested every Congressman to attempt to build Congress organisations on the foundation of the creed of non-violence.

(2). On the motion of Sj. Lal Mia, supported by Sj. J. C. Gupta, the Conference urged every worker and institution to work for Hindu-Moslem unity.

(3). On the motion of Sj. Pramatha Banerjee of Midnapore, Dr. Profulla Ghose supporting, the Conference protested against the proposal of transfer of a portion of Midnapur to Orissa.

#### CONGRESS UNION WITH THE PEASANTRY

(4). *Sj. Narendra Narayan Chakravarty* moved a resolution opining that the incident at Hijli, Chittagong and Dacca were the outcome of Government not being responsible to the people and due to the unhealthy,unnatural and socio-political conditions, and such outrages would continue so long as the rulers can depend on the undeveloped political consciousness of the masses, and urging the B. P. C. C. to identify itself with the peasantry of Bengal by the formation of a B. P. C. C. Committee and peasants' unions within the Congress. Sj. Pramatha Banerjee supported the motion.

*Sj. Subhas Chandra Bose* at this stage addressed the meeting on the present situation. *Sj. Bankim Mukherjee* moved an amendment urging the Congress to identify with the peasantry with a view to starting a no-tax campaign with a defensive Satyagraha. Sj. Brajen Choudhury said that Bankim Babin's amendment suggested communism. Mr. Samsuddin Ahmed in course of his speech said he did not see communism in the amendment. Dr. Nalinakhya Sanyal supported the amendment as being based on fundamental right.

The amendment was put to the vote, the result being 122 for Sj. Bankim Mukherjee's amendment and 14 against. Sj. Mukherjee demanding a poll, the President directed the same being taken, pending which he made the concluding remarks thanking his countrymen for the unique honour shown to him at the fag end of his life.

The next session of the Conference was invited at Bankura by Sj. Bejoy Kumar Chatterjee.

Sj. Bankim Mukherjee's amendment when pressed to a division was rejected by 177 to 143 votes. Sj. Naren Chakravarty's original resolution was then put to the vote and carried after which the Conference dispersed.

## The Punjab Political Conference

The citizens of Jhang accorded a right royal welcome to *Baba Gurdit Singh*, President-elect of the Punjab Political Conference and Pandit Jawaharlal Nehru when they were taken in a procession on the 26th. September 1931 in the morning. The streets were crowded with thousands of men, women and children who showered flowers, garlands, rosewater and coins on the distinguished leaders. The procession passed through principal bazars followed by large crowds who lined both sides of streets, terminating at the conference pandal.

The National Flag was hoisted by Pandit Jawaharlal before a crowd of five thousand amidst scenes of unparalleled enthusiasm and shouts of "Bharatmata-ki-jai." In unfurling the flag, Pandit Jawaharlal asked the people to consider it a symbol of freedom and not merely a piece of tricolour cloth. It was not the flag for any king or emperor, but it represented unity and strength of the teeming millions of India. He condemned the cries of "Down with Union Jack," which cry, he said, had been stopped by the Congress. He asked the people of the Punjab to organise and discipline themselves to prepare for the next bigger struggle for freedom. India did not lack

courage and sacrifice. The greatest need of the day was organisation and discipline. Last year the country sacrificed much at the call of the Congress. They must now prepare themselves for greater sacrifice to win freedom for the country and this freedom would be won under this national flag.

The Conference session began at two in the afternoon, in a specially erected spacious and decorated pandal amidst scenes of enthusiasm. Besides several hundred delegates, who had come from all parts of the Punjab, thousands of visitors crowded the pandal from end to end. Pandit Jawaharlal accompanied by Mrs. Kamala Nehru, received an ovation as both entered the pandal. The proceedings commenced at about three with 'Bandemataram' song, sung by girls. Prominent Punjab Congressmen, including Dr. Satyapal, Mr. Kishensingh, Sardar Sardul Singh Caveeshar, Ghazi Abdur Rahman, Lala Dunichand, and Mr. Abdulla attended the Conference.

*Professor Derraj*, Chairman of the Reception Committee, in his address, dwelt on the many obstacles put in their way by local reactionaries, but despite all difficulties they were able to hold the Conference and revive political life in this backward and neglected part of the province. He asked the people to believe in their own strength and capacity to win freedom and not to depend much on the Round Table Conference or on Gandhiji, who would be unable to bring freedom until people united to achieve it. He strongly advocated non-violence and asked youths of the Punjab to leave revolutionary violent methods.

*Baba Gurdit Singh*, President of the Conference, in his address also supported the creed of non-violence and asked Naujawns and workers and peasants to unite with the Congress to win freedom for the country. He strongly condemned communal dissensions and declared amidst applause that he would always give preference to freedom, and not to religion, because he believed that slaves had no religion. He asked all communities to pull together to win Swaraj under the leadership of Gandhiji.

### Resolutions

The Conference resumed its session on the next day, the 27th September, when resolutions were passed, condemning the repressive measures adopted in many districts in defiance of the Gandhi Irwin Settlement and asking people to honour the terms of the truce faithfully, requesting the Government to remit land revenue in view of the abnormal fall in the prices of wheat and the general economic distress and recommending to the Punjab Congress Committee to appoint an Enquiry Committee to go into the question of the method of realisation of land revenue.

The Conference condemned the action of the Government in detaining persons in jail without trial under Regulation III of 1818 and demanded their immediate release or trial before open court.

The Conference recommended to the Punjab Congress Committee to celebrate the Gandhi Week by the sale of khaddar and collection of funds for Congress reorganisation work in the province.

The Conference considered the present financial policy of the Government to be injurious to the financial interest of the country, particularly the linking of the rupee to the sterling.

The Conference congratulated all those who had suffered for the cause of the country in the last satyagraha movement and reiterated the faith of the people of Lahore in the resolution of the Congress to win complete independence for India.

Pandit Jawaharlal addressed the Conference for over an hour. He observed that spectacular demonstrations were useless. He deplored the activities of the Naujawns of the Punjab whose only work was now confined to the collection of funds for the defence of the accused in 'conspiracy' cases and decried the Congress. Pandit Jawaharlal asked the Punjabees to prepare for the coming struggle for freedom. Gandhiji would only succeed in London if they strengthened his hands by showing their strength as they did last year. Those who did not like the creed or principles of the Congress should remain aloof from the Congress.

Pandit Jawaharlal strongly condemned the activities of communalists and appealed for communal unity throughout the country. He hoped that the Punjab would fulfil his expectation by mustering together all forces. (From the 'Hindu').

## The Sikh Political Conference

*Sardar Sant Singh* presided over the Sikh Political Conference which opened its session at Nankana on the 25th. November 1931. In his presidential address he referred to the Sikh attitude on issues raised before the R. T. C. and declared that the peril of Pan-Islamism faced the Hindus as much as the Sikhs and asked the Hindus to show some imagination over Gurdwara disputes and turn a new leaf of understanding with the Sikhs. He said :

Our beloved friends and leaders like Baba Kharak Singh and Master Tara Singh have been silenced behind the iron bars. The entire Khalsa race sympathises with and rejoices in the troubles and the tribulations which Babaji and Masterji have been facing with their characteristic courage. Their example ought to inspire us.

The dominant issue to-day is the Round Table Conference and the settlement of the Indian problem. The hopes and expectations that were raised last year by utterances of the Prime Minister and the Secretary of State induced Mahatma Gandhi and the Indian National Congress and the Sikh League, who had boycotted the Round Table Conference, to revise their opinion. It was widely believed in India that His Majesty's Government were sincere in their anxiety to bury the hatchet and shake hands with the Indian people and admit them to equal partnership in the British Commonwealth by endowing their country with the same status as that of the Dominions. The expectations and hopes of last year have been dashed to the ground by a sudden change of policy after the fall of the Socialist Government. Why there should have been this change of policy, it is difficult for Indians to understand, especially because India was not a party question in England and Lord Irwin's Proclamation of October 31st, 1930, promising Dominion Status was approved by Parliament, without a division. The then leader of the Opposition, the Right Honourable Stanley Baldwin, enthusiastically endorsed Lord Irwin's policy and that of His Majesty's Government. The self-same Baldwin continues to-day to be the Leader of the Conservative Party, which is the *de facto* Party in power even in the so-called National Government of Britain. Yet, there has been an undoubted change of policy in regard to India. With the disappearance of Mr. Wedgwood Benn from the India Office, every Indian in London feels that the Montagu spirit has departed from Whitehall, and that the Birkenhead policy has usurped its place. No wonder that Mahatmaji is contemplating an early return to India. No wonder that even the moderates, who had built much hope on the Round Table Conference are dejected and disheartened. For us, Sikhs, there can be disappointment because we had no expectation. Blessed are they who have no expectations, for they shall not be disappointed. The last vestige of our hope vanished when His Majesty's Government declined to include in the R. T. C. delegation representative Sikhs. While we unhesitatingly acknowledge the services rendered by Sirdar Sahib Sirdar Ujjal Singh and Sirdar Sampuran Singh, their work has been considerably handicapped by the exclusion of the left wing of the Sikh League as they themselves have publicly stated. The Mussalmans have had adequate representation with a weightage at the Round Table Conference which is a personal triumph for Sir Fazli Hussain. Every shade of Muslim opinion, right, left and centre, has been over represented at the Round Table Conference. Even the Nationalist Mussalmans, as they style themselves, have been given a representation in the person of Sir Ali Imam. But only the moderate section of the Sikhs, I was almost going to say "loyalist", without meaning any offence, has been represented at the Round Table Conference, leaving the right wing, the left and the centre of the Sikh League in the cold shade of neglect.

What the position is of the Muslim minority in the United Provinces is exactly the position of the Sikh minority in the Punjab. If strength of numbers is to be the only criterion, the Sikhs are entitled to the same weightage that the U. P. Muslim asks for. But there are much greater things than mere numbers. The Sikhs have been the pillars of the British Empire, a fact acknowledged by several great Englishmen and British administrators in India. I do not want to quote them because their opinions are so familiar. If they are the pillars of the Empire, they

are the principal fighters of India. The best of Indian soldiery is drawn from that community. It is they who keep the balance of power between the Hindu and the Muslim. If they are the pillars of the Empire, if they are the bulwark of India, they are also the pride and glory of the Punjab. The traditions of nationalism and of self-dependence with which the history of India in the Punjab toems has been contributed by Sikh valour and Sikh heroism. These cannot be dismissed as mere sentiment. They are historical realities, nay, living actualities of the day. Coming to bare matter-of-fact things, who contributes land revenue and water rates out of all proportion to their population in the Punjab? It has only to be said that 40 per cent of the land revenue and water-rates are contributed by our community, to expose the intransigence and the injustice in the Muslim attitude toward us at the Round Table Conference.

Speaking with the responsibility attaching to my position as your President, the British Government and the Government of India may take it from me that we Sikhs refuse to be coerced into accepting anything less than that to which we are justly entitled. We are not the advocates of separate representation with weightage. Ours has been a history of self-immolation and self-effacement. But if other communities are to be given separate representation with weightage, there cannot be the slightest excuse why we should be treated in the Punjab as hewers of wood and drawers of water. I may issue a warning from here to all concerned that the Sikhs may stand many things, but not an insult to their self-respect or a challenge to their existence. Our very existence is challenged by the denial to us of the rights that are our due, and that right is no more and no less than 30 per cent representation in the Punjab Legislative Council and 5 per cent in the Central Legislature and representation in the Central and Provincial Cabinets. The same proportion in the Punjab Provincial services and the Imperial services must also be granted to us. It is hardly necessary to say that the Sikhs must continue to have the same representation in the Army as hitherto. The Sikhs cannot be treated as Cindrellas either by the British or the Indian politicians.

Our thanks are due to that great saint, Mahatma Gandhi, and also to Pandit Madan Mohan Malaviya for their just attitude towards us. Mahatma Gandhi as the towering leader of the National Congress and Pandit Madan Mohan Malaviya as the uncrowned king of Hindu India, must have constantly present in their minds the necessity of keeping Swaraj after attaining it.

Ladies and Gentlemen, I must remind you of the urgent need for organised propaganda and propagandist organisation without which all our efforts are bound to fail. We have to-day three well-known organisations. The Shromani Gurudwara Parbandak Committee or the S. G. P. C. is a statutory body created by the Gurudwara Act and has its aims and objects defined in the Act. The Shromani Akali Dal is a volunteer corps with a high sense of discipline and great capacity for sacrifice. The Sikh League is the political organisation of the Khalsa. The Shromani Akali Dal should leave the initiative in all political matters to the Sikh League, and in religious matters to the S. G. P. C., while they should be the vanguard of the Sikhs to fulfil the purpose of both the organisations. They should be the head, heart and hands in one vigorous body. It is only thus that the energy, the courage and the brain of the three organisations can be united for the greatest good of the greatest number.

## The Rajputana Political Conference

Welcoming the delegates to the third Rajputana and Central India Provincial Conference at Pushkar on the 23rd November 1931, on behalf of Ajmer district, and mentioning the shortcomings of the Reception Committee, *Pandit Hari Bhau Upadhyaya*, the Chairman of Reception Committee, began by paying a tribute to the late Ganesh Shanker Vidyarthi to whom Rajputana was greatly indebted. Proceeding he said that the conference was meeting at a time when the country was getting ready for another ordeal. The Chairman then described the part played by the province in the last civil disobedience movement.

Proceeding, he said : 'This province comprises of two portions, namely, Ajmer-Merwar and Rajputana and C. I. The former is a British area with a population of about 5 lakhs, while the latter is a vast territory populated by 2 hundred million souls. Ajmer-Marwara is still a non-regulated province and both the Government and the Congress have so far ignored it. Ajmer-Merwara should be constituted into a separate province. If the income is less, it must manage the affairs at less expenditure and with less men. It is better to be independent at the risk of some inconvenience than to be an encumbrance upon others.

Discussing the question of Indian states, the Chairman said that two things were patent, namely, that the Princes were in the hands of the British Government and that their subjects were very much oppressed. Although he had a soft-corner for the Princes in his heart, yet he was against their autocracy. The Chairman called upon the Princes to take stock of the present situation and give immediate effect to the resolution of the Calcutta Congress urging the Princes to establish responsible government in their States at an early date. The Congress and Mahatmaji should not isolate the States' people and leave them at the mercy of their rulers.

The States' people should, meanwhile, carry on constructive work to serve as a coping stone to any vigorous movement, which they were at liberty to initiate on their own responsibility. The Congress was committed to support them by its Calcutta resolution and they should expect its sympathy and support, in spite of the limitations placed therein. The Chairman then laid down the programme of work for consolidating the Congress organisation in the province and stressed the following points in this connection :—

(1) Re-organisation of districts in accordance with the new constitution of the P. C. C., (2) Organisation of the Provincial Seva Dal, (3) Village organisation and khadi, (4) Removal of untouchability, (5) National unity, (6) Organisation of peasants and labour, (7) Abolition of slavery from the Princes' households, and (8) Uplift of women from *purdah* and other evil customs. Capable workers and a large amount of money were necessary for successfully carrying out the above. He believed that there was no dearth of money if workers were forthcoming who were capable, honest, selfless, energetic, and of high character.

In conclusion, the Chairman drew attention to the breaches of the truce by the Government in other provinces generally and Ajmer-Merwara particularly.

The Chairman then took his seat after requesting *Shrimati Kasturbai Gandhi* to occupy the presidential chair. The following is the text of the presidential address :—

'Sisters and Brothers,—I am not unconscious of the aim that you have had in view in inviting me to preside over this conference. You have given this honour to me to show your confidence in (Gandhiji in whose hands you consider your interests to be safe.

'You have to consider jointly over the problem of British territory as well as Indian States. In reality our country is one united whole. The difference between British territory and Indian States may be for the Princes, it is not for us, the subjects. Our line of action is the same.

Some people are angry with the Princes. It is true that some Princes did not acquit themselves creditably at the Round Table Conference. But what can they do? They are like daughters-in-law. They cannot express themselves because they cannot continue for a day without satisfying their mother-in-law—the British Government.

All of you must take to wearing khadi and you must not relax the boycott of foreign cloth and liquor. Rajasthani sisters should come forward and take this work in their hands.

'The *purdah* is still prevailing in your land. Women cannot be protected by keeping them confined in enclosures. Women all over India are now awakened so that if only Rajasthan is backward in this respect, it cannot be tolerated. I have also heard something which makes me shudder. I understand that male and female servants are given in dowry in the marriages of girls and they are kept as slaves. I wish this were not true.

'Some people apprehend that the States people will be left out of Swaraj, but this apprehension is groundless. When the sun rises, it will give light equally to every body. The Princes have to live in this world with honour, and they will not like to rule over their subjects by keeping them enslaved. The right way to help the States' people is by liberating the Princes.



'I must also say a few words to the Princes. They must recognise the times and should soon satisfy the demands of their subjects for freedom. Throne after throne is tumbling down in Europe. The Indian Princes should enthrone themselves in the hearts of their subjects. The days of continuing kingship by repression have gone for ever.

The question of untouchables is one by the solving of which alone can you get the 'darshan' of God.

'The message of Swaraj has reached the villages. If we do sufficient work in the villages, our path of attaining Swaraj will become easier. The Government cannot reach every village with guns and lathies. The work there may be uninteresting and monotonous, but if you gain the hearts of the village folk, you will not like to leave them. You must establish yourselves in villages and carry on constructive work, because the key of Swaraj lies there.

'I have witnessed many days of despair and hope. Yet my conviction is that the sun of Swaraj must dawn. Old as I am, I am anxious to see the advent of Swaraj. I appeal to the young men not to waste their energy. They should make their power run in confluence with that of the Congress.

'Your conference is meeting after a considerable time. The country has much advanced during this time, and this progress has been so quick that we do not know where it will end. We have not forgotten that Rajasthan is the land of heroes and of sacrifice. Your forefathers have considered the greatest 'Utsava' in sacrificing life and property. Above the consideration of life and property is the excellence of character, which your forefathers have proved by besmearing the sacred sword with their own blood. History can testify to this fact. This conference is also meeting at a historical period. From ancient times you are carrying the responsibility of the true light of patriotism and attainment of Swaraj. Now is the time to make that radiance more effulgent and to gird up your lions with determination to accomplish it.

'You have my blessings. I pray that the painful condition of our sisters be ameliorated, the difficulties of the untouchables be removed and the poor and hungry masses get bread through Khadi. May our long cherished desire of Swaraj be fulfilled very soon! Baude Matram.'

The second days session began on the 21th. November. Kaka Kalelkar conducted the proceedings on behalf of Shrimati Kasturba Gandhi and congratulated the workers on the settlement of the old Beawar dispute. *Bhairs Kotwal* moved resolutions on Hijli and Chittagong and the Bengal Ordinance. Other important resolutions included one on the Press Act and the Finance Bill. No constitution, it was declared, would be acceptable to Ajmer-Merwara unless in was given the same status as that of other provinces. The Princes were urged to establish responsible government in their States. The most important resolution wanted a resumption of the movement immediately. Mahatmaji returned empty-handed and laid down the programme of the future work. (From the 'Leader').

## The Allahabad Tenants' Conference

### The 'No Rent' Campaign

The threat of no-rent campaign made by the Allahabad District Congress Committee in the week ending 17th. October, was reiterated on the 23rd. October at an open air conference of tenants of this district, which lasted for about five hours, in Purushottamdas Park, Allahabad under the presidentship of *Babu Parushottamdas Tandon*, president of the District Congress Committee. According to Congress office-bearers' calculation the number of the tenant representatives who attended the conference was about 3,600. They arrived in processions from their respective villages in the course of the day and were taken in procession through important thoroughfares of the city to Purushottamdas Park.

Among the leading Congressmen present at the Conference, besides the president Babu Purushottamdas Tandon, were Pandit and Mrs. Jawaharlal Nehru, Mr. Tasadduq Ahmed Khan Sherwani, Dr. Syed Mahmud, Dr. K. N. Katju and Pandit Venkatesh Narayan Tivary. The proceedings commenced with the hoisting of the National Flag by Mr. Sherwani.

### The Presidential Address

Addressing the conference Babu Purushottam Das Tandon, president, said that it was this very month last year when a tenants' conference was convened to consider the question of non-payment of rents in connection with the civil disobedience movement. The campaign, then, was started in the struggle for Swaraj, but on this occasion the tenants were not invited to take any action in the way of resumption of the fight for Swaraj. Mr. Tandon referred to the Round Table Conference and expressed his view based on reports of the Conference appearing in newspapers, that there was little hope of the British Government realizing that Swaraj in India would be beneficial both to the country and the British. He, therefore, felt that it was possible that Mahatma Gandhi might return empty-handed in the course of the next few weeks. He added that many of the delegates were deliberately selected to create difficulties in the solution of the constitutional problems and thus to assist indirectly the British and emphasised that if there was anybody who could speak at the Conference as a representative delegate he was Mahatma Gandhi, though he too was nominated by the Government.

Eventually, therefore, the struggle for Swaraj might have to be resumed, but on this occasion, Mr. Tandon proceeded, the tenants were not invited to consider that question. The question for the consideration of which the tenants were invited related to the non-payment of rents in the district of Allahabad. When the truce was effected at Delhi and the civil disobedience movement was called off, Congress hoped that the troubles of the peasants would also stop, but he regretted to find that in spite of the Congress leaders' efforts to persuade the authorities to relieve the distress, excesses against the peasantry increased day by day, and the study of the agrarian situation led the speaker to the conclusion that both the Government and the zemindar did not want that the Kisan should ever raise his head.

Continuing, Mr. Tandon contended that the poverty among the tenantry of the Allahabad district had been increasing day by day for the last many years and in support of his contention Mr. Tandon cited the following proofs. He had noticed that in 1907-8, the cultivated area in the district of Allahabad was 10,62,000 acres but in 1927-28 such area was only 10,38,000 acres. The population according to the 1921 census was 12½ lakhs whereas this year's census showed the population to be 14½ lakhs. From 1897-98 to 1907, the irrigated land in this district was 2,48,000 acres, but in 1927-28 such land was reduced to 66 acres, and that indicated that the tenants were too poor to afford to take advantage of the irrigation facilities. The number of wells (43,009) remained the same in 1927-28 as it was in 1907-8. The considerable decrease in commercial crops also, the speaker said, provided material to support the proposition that the district of Allahabad was getting poorer day by day. Indigo cultivation in 1870 covered an area of 9,000 acres, in 1927-28 it was reduced to 2,500 acres, while at the present day indigo cultivation had gone altogether. Cotton cultivation which yielded a good income extended to an area of 14,500 acres in 1907 but in 1927-28 it was reduced to 5,000 acres. Another crop which yielded good income was sugar, but the area of land under sugar cultivation had also decreased, it being 17,000 acres in 1906-7 and 15,000 acres in 1927-28. Opium cultivation had almost disappeared from this district and though the speaker said, the disappearance of opium cultivation was desirable, the Government should take into consideration that fact in the calculation of rents for it was also a source of income.

Therefore, Mr. Tandon said, from whatever point of view one looked at the agrarian conditions, the conclusion was inevitable that the poverty of the tenantry in this district had considerably increased and although there had been great decrease in income from various sources, the rental demand instead of decreasing had increased. It was about Rs. 44,50,000 just before the 1915-16 settlement but thereafter it rose to Rs. 57,26,000.

Mr. Tandon next turned to the remissions that were being given in rents in this district for the 1339 Fasli and his calculation was that on an average a tenant was allowed a remission of only 2 annas 7 pices in the rupee although the prices had fallen by 55 per cent i. e., grain formerly worth a rupee was now worth only 7 annas.

The Government had announced that rents would be brought to the level of the rents paid in 1900, but the Congress did not consider even that much remission adequate because the present prices were not on the level of the prices that prevailed in 1900. Mr. Mudie, the former collector of Allahabad, had himself admitted, according to Mr. Tandon, that the present prices corresponded to the prices in 1895 and the Congress desired the rents should also be reduced to that year's level, and further reduction on account of increase in the cost of cultivation ought to be allowed. The Congress therefore, did not consider that the remissions would be sufficient even if the enhancements after 1900 were knocked off. But, in this district, in spite of the Government's announcement sanctioning reduction to the level of 1900, the rents were reduced only to the level of 1915-16. It was contended that the rate prevailing in 1915-16 was the same as prevailed in 1900. If that were so the district authorities should have published the figures of the rates of 1900. But they sat silent over it, although he had been emphasising the necessity of the publication of those figures. The authorities should also publish the rental demand of this district in 1900, which, it seemed to the speaker, could not have been more than Rs. 36,00,00.

Proceeding Mr. Tandon said that the morning's newspapers made it clear why the calculations in this district had yielded little remission. It was stated in the newspapers that the principle on which remissions in this district were based was that all that was necessary was to remit enhancements of rent brought about by the last rise in prices and that it was not necessary to remit the enhancements effected previous to this, though even then the price level was higher than at present. Such a restriction, Mr. Tandon said, was imposed by the Government in the case of remissions allowed in 1338 Fasli, as was evident from the following extract from the Government notification relating to 1338 remissions:—

The general aim of Government has been temporarily to revise the contracts so as to bring back both statutory and occupancy rents to the level which such tenants were agreed to pay in the year 1915-16. To have taken them back to the level of 1901 would have been to deprive landlords of enhancements to which tenants had agreed irrespective of the rise in prices.

Mr. Tandon said no such restriction was mentioned in the Government notification relating to remissions for 1339 Fasli and that notification made it clear that for 1339 Fasli all enhancements made after 1900 should be knocked off.

Proceeding, Mr. Tandon said that it was for the tenants to consider whether a remission of 2 annas 7 pies in the rupee was sufficient or not. He feared the tenants would have to undergo sufferings, for they would be unable to pay even the reduced rents. Mr. Tandon realized that remission in rent would increase the burden of the zemindars and, therefore, he urged that there should also be sufficient remission in the revenue. The Congress, he added, was not against the zemindars, but the difficulty was that the zemindar considered himself a limb of the Government. It was necessary that the Government should effect a considerable reduction in its expenditure so that both zemindars and tenants should be able to get relief from the burden of excessive revenue and rental demands respectively. According to the fall in prices there should be a remission of at least as. 9 in the rupee in the rental demand. Concluding, Mr. Tandon said that they had already received the blessing of Mahatma Gandhi on the struggle that they were contemplating to start on account of the inadequate remission. Mr. Tandon announced that they had already received the blessings of Mahatma Gandhi in the struggle that they were contemplating to start on account of the inadequate remissions, for Mahatma Gandhi had cabled in reply to Pandit Jawahar Lal Nehru that he (Mr Nehru) might do what he considered best to meet the situation.

### Resolutions

The Conference adopted many resolutions mostly aiming at the amelioration of the peasants. The most important resolution of the conference, which was moved by Mr. Lal Bahadur, secretary of the District Congress Committee was as follows:—

"In the opening of this conference the remission in rent announced for the Allahabad district for the 1339 Fasli is entirely inadequate and will not remove the misery of the tenants, which has been increased during the last one year and a half on account of the fall in prices. It will be impossible for the tenants to pay the rents demanded from them after allowing the remissions.

"For the whole district the average of the present remission per rupee is only 2 annas 7 pies while the price of food-grains during the last two and a half years has

fallen by 55 per cent. In justice the rent should also be reduced by 55 per cent. on account of the slump in prices.

"The poverty of the tenants in the Allahabad district has increased, as is strongly evidenced by the fact that during the last 30 years the area of land under cultivation has decreased whereas the population has increased.

"This conference regrets to note that although the collector of the district has published a number of communiques and has caused to be published a number of other statements, he has not published the special scheme which was accepted on his recommendation by the Government in regard to remissions in rents for 1939 Fasil in the Allahabad district, nor has he stated the total rental demand of the district for 1900 A.D.

"It is the considered opinion of this conference that the principle which the Government has sanctioned in regard to rental remissions is unsuited to the special conditions of this district. To reduce the rents merely to the level of 1900 A.D. is not just. As the District Congress Committee has already said the rents of 1898 A.D. should be reduced by 20 per cent. and a further remission of 10 per cent. should have been given in the reduced rents on account of rise in the cost of cultivation. But in fact the remission allowed in this district is very much less than what the government had announced in its public notification. Though the Government had decided to take back the rents to the level of 1900, yet that decision of the Government has not been given effect to in this district and in most of the places rents have been taken back only to the level of 1911-15 A.D.

"The Conference places on record the view that in case the Government does not adopt suitable measures for meeting the condition of the tenants, then the tenants of the whole district will oppose the Government by resorting to a no-rent campaign and in this matter they will gladly carry out the instructions of the District Congress Committee in this behalf.

"This Conference heartily approves of the application made by the District Congress Committee to the Provincial Congress Committee for permission to start Satyagrah in the shape of a no-rent campaign in the Allahabad district."

Speaking on this resolution *Pandit Jawaharlal Nehru* referred to the negotiations with the Government in regard to the peasants while considering the terms of the truce. The Government officials were told during the talks about truce that if the tenants were asked to pay the full amount of rent, it would be tantamount to oppression, for they would not be able to comply with the demand. The Government then declared that they would take into consideration the plight of the peasants and would grant adequate remissions. The Congress, therefore, told the kisans to pay as much as they could. But, Mr. Nehru said, he was grieved to find that during the last six months the tenants had been sufficiently oppressed. Satyagraha was the only effective weapon which could allay the distress, but that weapon had to be laid down for the moment on account of the truce. The Congress was, therefore, helpless and Congressmen merely contended themselves with hearing reports of the sufferings of the tenants.

But the question that was before the tenants' conference was of the payment of rents and they could not afford to wait for the return of Mahatma Gandhi for the considerations of that question, for if the decision about non-payment was to be taken it should be taken at the proper time and not in the midst of the rent collections so that all the tenants should have equal advantage of the decision. The tenants were to consider, said Pt. Nehru, whether the present remission was sufficient or not. Referring to the District Congress Committee's application for permission to start *satyagrah* in the shape of a no-rent campaign Pt. Nehru said that considering the deplorable plight of the peasants, his view on the subject was that the tenants had every right to do what they considered best to meet the situation but as a member of the Congress Working Committee he could not give any definite advice on the subject as the question would have an effect on the political situation in the whole country and so it needed the decision of the Working Committee. The president of the United Provinces Provincial Congress Committee (Mr. Sherwani) and the president of the District Congress Committee (Mr. Tandon) had been specially invited to the meeting of the Working Committee to help the committee with their advice in the decision of the question, and he asked the tenants to express their view on it at the conference.

This resolution about *satyagrah* Pt. Nehru said, 'is a sort of invitation to you to go to jail and to undergo repression, which is bound to be acute on this occasion as the present fight would be the last fight and would go on until Swaraj is attained.

Therefore, if you are prepared to undergo such suffering then accept it. So far, as my view is concerned, it is this that for us, for you and for the whole country there is no other way out of the difficulty than this.

Mr. T. A. K. Sherwani, president of the Provincial Congress Committee, speaking on the resolution said that he agreed wholly with that part of the resolution which stated that the remissions were insufficient and the tenants were unable to pay even the reduced rents. His information was that on the average a tenant in this district was in the possession of one acre of land only, and one acre of land would yield hardly more than 15 or 20 maunds of grain. Such being the case he failed to understand the official claim about the adequacy of rents in this district.

Proceeding, Mr. Sherwani said that as to what should be done to meet the situation his view was that if he had been oppressed and insulted like tenants it would not have been possible for him to bear quietly the oppression. As the tenants would have to undergo mostly the suffering that would follow a no-rent campaign they should themselves indicate their decision on it and the decision that they take after much thought. Mr. Sherwani said the Congress would be ready to help the zemindars also, if they joined the Congress and represented their grievances to it. But the difficulty was that the zemindars would only cling to the Government.

The resolution was then put to the vote and carried unanimously. When the votes against the resolution were invited one tenant raised his hand but when he came, on a call, near the president he told the president to the effect that he did not understand on what side the votes were invited and he was in favour of the resolution with all the other tenants.

#### OTHER RESOLUTIONS

Among the other resolutions passed at the conference were the following -

This conference regrets to record that the district authorities gave full assistance to the zemindars in the collection of rents and took no action when their attention was drawn to the oppressive acts committed during the collections.

Due to untimely rains, the kharif crops for 1339 Fasli in the Allahabad district have been very much below the average. This conference, therefore, thinks it necessary that in addition to the remissions to be given for the fall in prices, remissions should also be allowed on account of damage to crops.

This conference urges that in order to bring peace to villages, it is essential that orders of ejectments should be set aside and lands from which tenants have been ejected should be restored to them. This conference also considers it necessary that punishments awarded to peasants under section 107, Cr. P. C. and section 447, I. P. C., should be remitted.

Taking into consideration the economic condition of the peasantry, this conference strongly endorses the opinion of the District Congress Committee that arrears of rent should be wholly remitted.

This conference advises the tenants that under no conditions should they give *naxrana*, *hari* or *begari* or pay concealed rents and that they should not pay even regular rents without obtaining receipts for them. This conference regrets to note that there is quite a large number of zemindars in this district who do not give receipts for rents realized by them.

This conference condemns the policy of repression which has been adopted under the Court of Wards Act for collecting rents from tenants.

This conference is strongly of opinion that Shikmi (sub) tenants should be given remissions on the same scale as non-occupancy tenants.

It is the opinion of this conference that with the remission in rents there should also be adequate remission in revenue.

This conference is of opinion that at least for one year the Government should postpone the payment of rural debts and stay the accrual of interest thereon.

# THE NATIONAL LIBERAL FEDERATION

BOMBAY—31st. JULY 1931

The thirteenth annual session of the National Liberal Federation was held at the Sir Cowasji Jehangir Hall, Bombay, on the 31st. July 1931 under the presidency of Mr. C. Y. Chintamani. A large and distinguished gathering including a good many Parsi ladies attended. Among the prominent members and visitors were : Sir Chimanlal Setalvad, Sir Chunilal Mehta, Sir Lallubhai Samaldas, Sir Feroze Sethna, Dewan Bahadur Godbole, Mrs. Sarojini Naidu, Messrs. N. M. Joshi, B. S. Kamat, G. A. Natesan, K. Natarajan, D. G. Dalvi, Hussainbhoj Lalji, M. C. Chagla, Kazi Kabiruddin, M. I. Curtay, Dr. G. V. Deshmukh and Dr. Shorab P. Mehta.

## Welcome Speech

*Sir Cowasji Jehangir (Jr.)*, Chairman of the Reception Committee welcomed the delegates and read out his speech. The following is the text :—

"The outstanding event of the past year was the Round Table Conference, an event which will go down in the Constitutional history of the country as an epoch-making event, and which will effectively terminate the old regime of irresponsible Government and open up a vista full of promise of a re-born State with the ruled as the rulers in their own homes and as the architects of their own destinies. This marks a definite departure from the old order of affairs and means re-baptism of Mother India as a Dominion holding her head high as an equal partner amongst the other dominions of the British Commonwealth of Nations. There was a school of political thought in our country which during periods of doubt and pessimism never ceased to proclaim to an expectant world that no good could ever come from an assembly of persons who talked of winning political independence across a table and that those of us who dared to hold views inconsistent with theirs could not but be traitors to their country, out to barter away the political freedom of 1-5th of the human race for a mess of pottage. We now have tangible proof that the Conference met with a considerable measure of success. I have particularly in mind the co-operation of the school of thought now represented by the Congress and its distinguished leader Mr. Gandhi, who will most probably be proceeding to London within a fortnight. If any testimony were needed to prove the obvious success of the London negotiations, I believe, Mr. Gandhi's pledge of co-operation must certainly be regarded as one. That a statesman of his ability and foresight, who but a year ago insisted upon a definite assurance of transfer of power as a condition precedent to attendance, should now deem it expedient to look to this Conference for his search after the substance of independence, appears to be a healthy change in the outlook of the Congress and a rehabilitation of the confidence of nearly the whole country in the Round Table Conference and especially in His Majesty's Government.

Although considerable satisfaction has been expressed by the results achieved at the Conference, you are aware that all the general principles enunciated either in the Sub-Committee or at the Plenary Sessions have not received the unstinted support of the Indian Delegation. The rich complexities of human thought and sentiments, the diverse conflicting interests of a number of political and economic entities alone would make such absolute agreement an impossibility. There was however practical agreement on the two main principles—an All India Federation and a Transfer of Power at the Centre with certain safeguards. The acceptance of these two principles was in my opinion sufficient justification for holding the Conference. The first was made possible by the patriotism and foresight of the Indian Princes. The country owes them a debt of gratitude for their statesmanlike attitude throughout the Conference. None will be so foolish as to believe that the framing of a Federal Constitution for India will be an easy task. The peculiarities of our country, our outlook on life, our peculiar communal problems, and a host of other differing and varying conditions strictly forbid a slavish imitation of any Federal Constitution on the face of the earth. A Constitution has to be evolved to

meet our own needs and requirements, a Constitution which will suit the genius of our people, a Constitution which will preserve the languages, cultures and religions found in existence between 'Pindi and Comorin, a Constitution which will permit the political evolution of its component parts to the extent of their natural growth, a Constitution which will be acceptable to the minorities and yet be workable in practice, and above all a Constitution which will carry within its powers to bulge forth at in distant future into a full-fledged United States of India. We have to face the arduous task of reconciling the fiscal and economic interests of the Indian States with those of British India. We have to engender in the Princes a sense of self-security, that their internal Sovereignty will not suffer by their advent into the Federation, except in so far as may be absolutely necessary for the administration and legislation of subjects classed as federal.

I recapitulate our difficulties in no mood of pessimism. It is only to strongly urge that the greatest desideratum to-day in all schools of political thought is patience and moderation. Some of our public men, from their speeches, seem to believe that. His Majesty's Government and the two principle political parties in England have only to agree to our demands and the millennium will have arrived. Alas! it is not so easy. Many of the knotty and difficult problems facing us will have to be solved by ourselves, and ourselves alone. Ours is the responsibility. To shirk it will bring us no nearer the goal. The greatest of all problems, of immediate importance is the communal problem. We may take it for certain that no constitution can work without creeks and jolts, not to say without danger of a breakdown which does not impart in the minorities a sense of safety. Both equity and expediency dictate that minorities must be safeguarded. The Muslims are the largest and most important minority. At one stage of the informal conversations in England, the problem of Joint versus Separate Electorate, was almost solved. Unfortunately for the country the negotiations fell through at the 11th hour. Viewing as I do, this communal problem as one of the main difficulties to be combated, if the ideal of Federation can materialise, may I request you to cast your minds back over the last couple of years. Sir Tej Bahadur Sapru made valiant attempts at reconciling the two communities, but in vain. The necessary spirit of give and take which alone can be the basic formulæ for the solution of such a question was conspicuous by its absence. The contending parties drifted apart, and still further apart at each attempted settlement. While the cry of the want of a change of atmosphere escaped from the lips of some, it did not seem to be realised that a changed atmosphere could not generate a peaceful atmosphere unless either side was prepared to make a sacrifice of some cherished principles in the wider interests of the political independence of a vast sub-continent. No really great ideal was ever achieved except at a price and a sacrifice. Communal unity is surely one such great ideal, worthy of the temporary surrender of a political principle. Either we make a sacrifice or we are not very strong in our conviction that the future advancement of our country lies in our political liberty. Without the solution of the communal question, political freedom would not be worth the trouble of its acquisition. Political freedom is a means to an end, and not an end in itself; that end is the realisation of the highest and the best in every citizen, and by every citizen. But when internecine disagreement rend our country in twain, what prospect can there be of the fulfilment of a noble cause for which all Society must exist? Let us not forget that we have to solve this problem ourselves. No third party will do it with any real satisfaction to either side.

The Federal Structure Sub-Committee accepted in main the principle that "subject to certain special provisions, more particularly specified hereafter, the responsibility for the Government of India will in future rest upon Indians themselves." Once the main issue of responsibility at the Centre is accepted we have to carefully consider the reservations which qualify that general statement, or the safeguards as they have been called. Considerable distrust and apprehension of the financial safeguards was expressed by several members of the Indian delegation, and I shall add perhaps looking to the wording of paragraphs 18 and 20 of the Report not without considerable justification, as it is undoubtedly vague and suspiciously wide. Consider for instance the recommendation which states: "It would therefore be necessary to reserve to the Governor-General in regard to the budgetary arrangement and borrowing such essential powers as would enable him to intervene if methods were being pursued which would in his opinion seriously prejudice the credit of India in the money market of the world." This reservation appears to strike at the very root of financial autonomy and no wonder the Sub-Committee was con-

trained to record a statement that "on the question of finance Indian opinion was that even the safeguards set out in the report went too far specially those giving special powers to the Governor-General." Fortunately the debate that followed on the subject in the Conference made the situation clearer, thanks to the lucid exposition of Lord Reading who answered a number of questions put to him. In the light of the explanation offered by Lord Reading the financial safeguard means—I cannot do better than quote his very words—"That it would be necessary to have some such provision when you are making a change in order that it should not be thought here that internal loans might be raised in such a manner as to prejudice India's credit, which of course would affect her here as it would elsewhere in the world. That is the sole purpose of it." Lord Reading thus assigns a more precise and narrower connotation to the safeguard than what might be gathered from the vague language. It means, for instance, if India seeks to borrow money internally at unjustifiably high rates of interest not for productive purpose or capital expenditure but to meet recurring budget deficits for five or six years, that is to say if India floats an internal loan so injudiciously as to prejudice seriously her financial credit and stability, the power reserved to the Governor-General would be put into operation. To use Lord Reading's phrase again by way of emphasis "that is the sole purpose of it." The evident answer to Lord Reading is that public opinion and the Indian Legislature will be a far better check upon financial mismanagement of the kind explained, than the interference of the most capable Viceroy. At the same time it must not be forgotten that millions of sterling have been raised in England on behalf of India on the moral if not the legal support of the British Government. They have, therefore, a claim to include such provisions in the Constitution as will enable them to carry out their moral obligation and responsibility.

The Federal Structure Sub-Committee has accepted the main principle that on the constitution of a Reserve Bank, free from political influence, the future Government of India should be entrusted with the management of currency and exchange. It was expected that a Reserve Bank would be established almost simultaneously with the introduction of the new constitution. No constitution can be considered satisfactory that does not give India complete control over her currency and monetary policy. The advisability of establishing a Reserve Bank is not contested. But if it is to be considerably delayed the safeguard as now suggested will have to be seriously reconsidered.

Sub-committee No. 2, as you are aware, dealt with the Provincial constitution and pledged as we were to secure for our provinces full and real autonomy, many of us could not but oppose a recommendation which sought to give unusually wide powers to the Governor. It was generally agreed that there should be vested in the Governor some suitable emergency powers to enable the administration to be carried on in the event of breakdown of the Government or of the administrative machinery but we were not prepared to endow the Governor with powers of interference in anticipation of the King's Government being brought to a standstill. We desire the freedom to err or as Mr. Gandhi put it, the liberty to err and to sin. But as in all other constitutions there must be safeguards to provide for a continuance of Government in times of national crisis.

I come to another important issue, which I am afraid is likely to loom large on our political horizon with a threatening significance. This issue was raised in the Minorities' Sub-Committee as a direct result of the British commercial community insisting that there should be no distinction whatsoever between their position in India and that of Indian-born subjects. This claim was contested by the Indian delegates who contended that exceptions would have to be allowed in matters of national importance. After two days' private discussion, a compromise was effected which is embodied in clause 14 of the Minorities' Sub-Committee's report and with which you are all familiar. Broadly it was accepted that as a principle there is to be no discrimination between the British mercantile community, firms and companies trading in India and the rights of the Indian-born subjects but the word "generally" was incorporated to signify that certain exceptions would be allowed in matters of national importance which would require ad-hoc treatment different from what the main principle of "No discrimination" would warrant. The word "Reciprocity" was intended to convey the idea that in the event of there being discriminatory legislation in England against Indians, India would be fully justified in retaliating. The word "Appropriate" indicates that the conventions mentioned are to be drafted in such a manner that the trading rights of the British mercantile community shall



be regulated consistently with the significance attached to the words "Generally" and "Reciprocity". Although this formula allows of discrimination I am sure no honest Indian desires to deprive Englishmen of the fruits of their enterprise, energy and capital nor have Indians any intention of placing unnecessary impediments in the way of Englishmen continuing to trade in this country.

The Franchise Sub-Committee has recommended the appointment of a Franchise Commission to investigate the question of suffrage. With one stroke of the legislator's pen some members of the Sub-Committee advocate the adoption of adult universal suffrage. The Sub-Committee by a majority have suggested the widening of the franchise to a very substantial extent. I do not propose to go into the details of their recommendations but I would most earnestly appeal for caution and careful consideration. The time has not yet arrived even to seriously mention the adoption of adult franchise, and it is most regrettable that so important an issue which will have lasting and far-reaching effects upon our future should be connected with the solution of the communal problem.

There is sure to be difference of opinion as to the extent to which the franchise should be extended but taking standards of literacy into consideration, we should not permit more risky experiments to be tried in our country than have been attempted in other parts of the world. The efficiency of a Government does not vary in direct proportion to the size of the electorate. Nor can you expect a Legislature of A-1 quality and calibre to be returned by an electorate of C-3 mentality, education and intelligence. We have heard a good deal about taking steps to ensure that stability is imparted into our new Central and Provincial Governments and that our Legislatures work with a sense of responsibility. Let us not forget that the franchise is the very foundation of all Legislatures.

I shall conclude my remarks with an allusion to one topic which has increasingly occupied our attention and which we shall have to reckon with in no spirit of levity or defeatism. In these days of widespread economic distress consequent upon a world-wide trade depression of a magnitude never known before, we find seeds of communistic activities being sown in India. A discontented proletariat—and a dissatisfied class of labour are too apt to listen with rapt attention to the false promise of relief from hardships—held out by some political agitators who exploit their misery, making it a business and a source of profit for themselves. In the effort to revolutionise the existing economic order, these agitators sometimes in alliance with Moscow and steeped in the traditions and doctrines of the Third International, receive support of many a misguided politician. Nationalisation of the instruments of production, distribution and exchange, nationalisation of public utility services, abolition of landlordism and capitalism, are but some of the oft repeated objectives on which the communists have set their heart. No constitutional change which may give us a stable self-government will ever satisfy those who believe in the destruction of the existing order as a condition precedent to its reconstruction. Of late, we have witnessed an increasing tendency amongst labour unions to lean more towards the Muscovite political philosophy. Under the guise of improving the conditions of labour, they aim at the disruption of Society and expropriation of properties of all kinds. The existing order is by no means perfect and it must be readily recognised that labour should receive its legitimate due in the national wealth, as it is an important factor in its erection. But the aim of the Communists are poles apart from the welfare of the workers. They aim at the establishment of a State wherein the institution of private property will be unknown. Knowing as we do the inherent inequality of talents in human beings, which must ultimately make for inequality of wealth, knowing as we do that private ownership of property has stood the test of time, we cannot help feeling that the activities of these agitators if successful must mean for India a set back from which she will hardly be able to recover. This political disease is spreading; it is infectious and it finds a ready soil for speedy fertilisation in the restless minds of some of our youths. But if we work for the uplift of labour, and if we genuinely sympathise with the misery of the masses I believe we can make it most difficult for Communism to capture our ancient land.

The work before us is immensely vast and extraordinarily complicated. The quota which each of us contributes day after day is but an imperceptible contribution to the noble task of rearing a proud and free India; viewed from close proximity, the effect of our contribution on its growth and progress may not be perceivable; but if we continue to maintain untarnished the rich heritage of noble traditions handed down to us by our predecessors, at a distance of about a decade hence, a grateful

posterity may remember their work with gratitude and admiration which at once shall be our hope and reward.

### Presidential Address

*Mr. C. Y. Chintamani* then proceeded to read his presidential address which occupied more than an hour and a half. In the course of his speech he said :—

"At the outset, however, I must, with your permission, pay a tribute, on your behalf and mine, to the distinguished patriots who have been lost to us. In Pandit Motilal Nehru, Moulana Mahomed Ali and the Maharaja of Mahmudabad, India has lost three public-spirited men whose places cannot be easily filled. They stood for India's freedom and served the national cause faithfully and fearlessly. Pandit Motilal Nehru stood prominent among his compatriots for uncommon intellectual capacity, and he and Mr. Mahomed Ali gladly suffered imprisonment more than once in the furtherance of the cause they gave their allegiance. The Maharaja of Mahmudabad was a champion of nationalism against communalism.

Our own party is much the poorer for the death of Rao Bahadur K. G. Damle and Sir Shankar Rao Chitnavis, than whom two more genuine Liberals I have not come across. Their death is an irreparable loss to Berar and the Central Provinces and to Liberalism.

Yet another loss the Motherland has sustained was in the premature death of Mr. K. T. Paul, an Indian Christian gentleman of high character and a genuine nationalist, whose political faith was Liberal and who did meritorious work as an educationalist. He was one of the few representatives of minority communities who acted throughout as an Indian patriot in the deliberations of the Round Table Conference.

It is my melancholy duty to refer to the death of Mr. Eardley Norton, news of which was received as I was about to complete this address.

It is not necessary at this stage nor profitable, that we should discuss the Civil Disobedience movement. I am glad, as the whole country is, that the second peace effort did not share the fate of the first, that India has been enjoying comparative calm during the last five months and that Congress will be represented at the resumed discussions of the Round Table Conference. My second point is that the Government method of dealing with the Disobedience movement was altogether bad. In actual fact, such cruel lawlessness was practised at many places, and nowhere more than in this presidency, by the supposititious guardians of law in the name of a civilized Government, that nation-wide indignation was provoked and large numbers were drawn into the agitation in the spirit of sympathy who would never have gone near it, who in the beginning either disapproved of it or at least were in doubt about its wisdom and its opportuneness. No representation of the true facts by constitutionalists who were on the side of law and order made an impression on the Government, and its irresponsibility and unresponsiveness stood revealed in all their nakedness as its lack of sympathy and of human-ness was betrayed at nearly every step.

After referring the attempt on the Bombay Governor's life and congratulating His Excellency on miraculous escape, Mr. Chintamani said :—

Last week were published the names of persons 'nominated' by 'the Prime Minister' as members of the Federal Structure Sub-Committee at its resumed session. Last time the members were appointed by the President of the Conference on the recommendation of the Business Committee—which was wholly elected by the Conference—acting in consultation with the three 'delegations'. This time a different procedure has been followed and they have been nominated by the Prime Minister of Britain, of course on the recommendation of the Viceroy or the Governor-General in Council. I at least am not aware of any justification for this change for the worse and deem it my duty to record my protest against the departure from the procedure settled and followed last year by Mr. Ramsay MacDonald himself. It is curious that among the new nominees should have been included those who were 'delegates' in 1930 but were not recommended by the Business Committee and therefore not appointed by the Prime Minister as well as others who have still to become 'delegates'. We miss in the list the name of our talented General Secretary, Sir C. P. Ramaswamy Aiyer (whom I congratulate on his appointment as officiating Law Member of the Government of India); nor has the place been filled by the nomination of Sir Chimanlal Setalvad or Diwan Bahadur Ramachandra Rao; nor, yet, has it been left vacant. Room has been made for more Muslim communalists,

and therefore, probably none could be spared for a solitary Muslim Nationalist—no, not even for a former member of the Government of India distinguished alike by his ability, moderation and experience of affairs. Neither could a thought be bestowed on the unanswerable claim of independent-minded Burmans for a voice in the deliberations on India's future constitution and the determination of the future of their own country. While Sir Purushottamdas Thakurdas will be there his colleague is to be, not Mr. Birla but another who could not hope to be there if selection were made by election. We all are doubtless gratified by the inclusion of Mahatma Gandhi and Pandit Madan Mohan Malaviya. One of the two new British members is Lord Hailsham, whose strident voice may be expected to make up for the absence of Mr. Winston Churchill and Sir John Simon, but I am sorry that the Liberal section has not been strengthened by the nomination of Sir Herbert Samuel.

The names of more new members of the Conference are promised at an early date. 'Delegates' they too will be called, I have no doubt, but I will not insult the intelligence of the appointing authority by assuming that they are deemed to be the accredited representatives of any organization, with the exception of Mahatma Gandhi as the spokesman of Congress. Indeed we need not be surprised, and Simla may not wear the mask of injured innocence, if uncharitable critics should dare and say that some of them at any rate are the chosen instruments for the effectuation of unavowed purposes. No one will be happier than your humble servant to find himself wrong on a perusal of the names to come, in which case he will be the readiest to make the "amende honorable."

It is unquestionable that the declarations of the Ruling Princes in support of Federation, which came as an agreeable surprise to many including their friends and admirers and supporters, almost changed the outlook of the Conference: for better or worse in actual fact we shall have to wait to know. One thing, however, must, I fear, be admitted. The whole of our political effort has been directed to the achievement of self-government for British India. The people of the Indian States have still less of constitutional government than their countrymen of the so-called British India, but they are not under alien rule in the sense or to the extent that we are. What answer was given to this insistent national demand by the representatives of His Majesty's Government and other British parties at the Round Table Conference? I should be sorry and reluctant to say that the answer was in the negative, at least so far as His Majesty's Government are concerned. But I fear I am bound to say that at the best the answer is by no means free from doubt. I have seen it stated lately that responsible opinion in England is now crystallized in the formula—"no responsibility at the centre without federation, and no federation without the States". Gentlemen, I have a lively and grateful sense of the contribution that the Princes generally and some prominent members of their Order in particular made to the success of the Conference such as it was and I can truthfully affirm that there is no man to whom I yield in my ardent desire to see federation an accomplished fact. But I am certain that I speak the mind of you all when I affirm, as I must do in unhesitating accents, that federation or no federation we must have responsible government, not less at the centre than in the provinces, and we must have it without any more delay. Congress and Liberal Federation alike, and the large body of opinion in between the two as well as (in some instances) less advanced than either, have been untiringly and ceaselessly pressing for this, the greatest and most imperative of the nation's needs and they will not be denied. The Will to Freedom is asserting itself with increasing force as day succeeds day, and it shall prevail. Was the Conference a success? I can only repeat the answer I have elsewhere given, that it was neither a success nor a failure.

Whether eventually India will get the 'substance of independence' through the agency of the Round Table Conference time will tell, but already it has done one indisputable good. It has given peace to India. If the last session of the Conference had been nothing but a failure from India's standpoint, would Mahatma Gandhi have thought that there was a 'prima facie' case for a reconsideration of the Congress position and 'invited the Viceroy to invite him', if he will forgive me to quote his own words, for those memorable talks which resulted in the Irwin-Gandhi settlement? If I myself had doubted whether to give credit to the Conference for anything, I should have been cured of my scepticism by this single circumstance. No praise can be too high for the uncommon qualities which both the statesman and the patriot showed in those difficult and delicate negotiations, and India feels as grateful to Lord Irwin as she is proud of her chosen son.

The proposals relating to the central Government are naturally the most important of all, and the whole scheme stands or falls according as these deserve to be commended or condemned.

We wanted a responsible central executive—responsible in the technical sense of the term, i.e., removable by the popular house of Legislature, which we demanded should be wholly elected direct by the people. We are offered an executive which will only be removable by a majority of two-thirds of members of both houses of the Legislature sitting together, and we are offered a popular house of which a large part will consist of nominees of individual rulers of States.

The position, so far as I had any knowledge of it, was that their Highnesses were not willing to agree to a statutory provision that the States' representatives should be returned by the same method as those of British India even after the expiry of a certain period. They wanted it to be their prerogative for all time to determine how the States' representatives would be selected. So that, I am on solid ground in inviting your assent to this description of the proposals in this behalf of the Federal Structure Sub-Committee, viz—

India is to have a central executive responsible to both houses of the Legislature and not removable except by a vote of no-confidence passed by a majority of at least two-thirds of both houses; and a central legislature, in both houses of which the States' representatives will be selected by the Rulers themselves or in such manner as they may please, while it has not yet been agreed that the representatives of British India will be returned by direct election as at present. The States claim a 50 per cent. representation in the upper chamber and some weightage in the lower.

The determining test is : Does this scheme give us responsible government ? I do not care whether it is federal or unitary or anything else, but I want to know if with this scheme in our hands we can honestly go before the people and say that we have achieved that for which they have been aspiring and striving and struggling. My answer is a clear and emphatic No, and therefore I owe it to myself, to my party and most important of all, to my country to say so without equivocation or mental reservation. If I am asked whether I would lightly throw away the unquestionable advantages of a Federation of States and Provinces because the scheme falls short of theoretical perfection, again my answer is a conscientious No. I unreservedly admit that a "United States of India" is worth achieving at some sacrifice and I am very far from being among those who do not realise that the best is the enemy of good, at any rate in politics, which is a long series of the second best. If I were not of this mentality I could not be a Liberal except on false pretences. To say this, however, is not to say that any federation, be it no better than a confederation, is better than any unitary government, that any price should be paid for it as no price would be too high, that essentials should be surrendered in order that we must get the same from the word Federation which the old lady was said to have derived from a certain word which has ceased to be "blessed" since a disastrous campaign in the great war.

In concrete terms I do not agree to the representatives of the States in the popular chamber of the Federal Legislature being security of the Executive. I do not agree that the Federal Executive shall be responsible to both houses of the Legislature; while I shall have no objection to reasonable provision being made for the security of the Executive, I do not agree to the proposals of the Federal Structure Sub-Committee in this behalf as they are tantamount to a negation of responsibility and will in reality instal in office a virtually irremovable Executive; and I do not agree to the States' members of the Legislature taking part by speech or vote in motions of no-confidence the subject-matter of which is purely British Indian, as British Indians will not be allowed any voice in subjects exclusively the concern of States. In a word, give me the reality of responsible government and I shall be found to be very accommodating in the adjustment of details of ways and means. Deny it, as I hold that the scheme of the Federal Structure Sub-Committee does, and I shall far prefer to wait for true federation in a more propitious time and go forward with my demand for responsible government for British India, which is the core and kernel of the whole of the national movement.

No nationalist can stand up for the British Government against the Indian States. That goes against his grain. And yet, things being as they are, no nationalist can range himself on the side of the Princes without conditions and qualifications. Why ? Because their Highnesses insist upon their right of solution,

The proceedings of the Simla Committee of Experts set up in accordance with the recommendation of the Defence Sub-Committee of the Conference have vindicated the wisdom of Mr. Jinnah. Several members of the Commander-in-chief's Committee have, we were informed, been unable to agree to its conclusions, the dissenting members including not only Sir Sivaswamy Aiyer, than whom no other Indian has made a more thorough study of the subject, but Sir Abdur Rahim and General Rajwade. It is necessary, gentlemen, that I should say more to persuade you, if you need any persuasion, to agree with me that the result of the deliberations on this all important subject of the Federal Structure and Defence Sub-Committees is disappointing? It is not an exaggeration of the truth to say that no part of the provisional conclusions of all the sub-committees of the Round Table Conference has received wider attention or closer examination than the so-called safe-guards.

In making up your mind on this question I would ask you to bear in mind that according to the Government of India the expenditure over which it is proposed that the Legislature should have no control amounts to about 80 per cent of its net revenue. There has been in England a new and menacing development since the Conference rose in January. A class of British politicians has grown morbidly and suspiciously sensitive on this point of safeguards.

The latest from Sir Samuel Hoare is that the proposed safeguards must be the 'basic condition' of the Conference. He is mistaken. The basic condition of the Conference was laid down in Lord Irwin's Announcement itself as long ago as October 31, 1929, with the full authority of His Majesty's Government. There is no reference here to 'safeguards' as the condition precedent of conferences and discussion.

Will it be argued in spite of these declarations that circumstances have altered in as much as the Conference itself accepted the safeguards? This has been repeatedly said by distinguished public men in England. The truth is that far from the Conference having agreed to anything, it has been the principal criticism of the Conference that it reached and recorded no conclusion or decision on a solitary issue.

The language of the Prime Minister's recent letter to Mr. Baldwin encourages the belief that the position may not be as bad as the Secretary of State's words indicated. Besides, if there can be 'no abatement of the safeguards' there is no meaning in the invitation of Mahatma Gandhi and Pandit Madan Mohan Malaviya to the Conference, and possibly in the resumption of its deliberation.

As I have said earlier to-day in another connection, I for one will always be ready for accommodation on questions of ways and means, if I am given the substance of what I want, what we all want—Dominion Status and Responsible Government. But it is my duty to cry halt if in the name of safety or security, or for whatever other reason expressed or unavowed, proposals of 'reservations and safeguards' are pressed which, I am convinced, make such a deduction from the main concession as to reduce its value materially and pave the way for difficulties, disappointments and misunderstandings such as we have been experiencing.

Regarding Treaty Rights my own opinion is firstly, that we cannot assent to any derogation from the power that should be possessed by the new Government to adopt from time to time what measures they may deem to be necessary to stimulate Indian industrial development, but secondly, that there should be no discrimination against the British except where it is the clear judgment of the Government that a step must be taken in the country's interest which the other side may regard as discrimination. I do not care much for the talk about equality and reciprocity, for the conditions are not equal. Mr. Dadabhai Naoroji used to speak for the absurdity of free trade or fair competition between a giant and a pigmy. And only about six weeks ago Prof. Laski wrote that 'freedom of contract only begins where equality of bargaining power begins.'

I would next invite your attention to the case of Burma. It is the right of the people of Burma, neither of the British nor of Indians, to say, in the exercise of their right of self-determination, whether they shall remain associated with India or prefer a separate existence.

Now it is said that a separate conference on Burma is in contemplation. I endorse the view of the Burmese opponents of separation that this will prejudice the issue and be an unfair proceeding. It is the Indian Round Table Conference which is seized of the subject and it is that body which is entitled to record a decision for the consideration of his Majesty's Government. They may reject the decision if they think that the right thing to do after the assurances given on their behalf by our

late Viceroy before the Conference was held, but they have no right to prevent that body from concluding its consideration of the subject or to supersede it by another conference. I equally endorse the affirmative demand of independent spokesmen of Burman opinion that the Burman delegation to the Conference should be strengthened, not by the addition of more nominees of Sir Charles Innes, but by representatives of both opinions and all major interests. They are entitled, too, to fair representation in the Federal Structure Sub-Committee.

There is one more subject to which it is inevitable that I should address myself before I can bring this address, the length of which I regret, to a close. It is the problem of the minorities. No question has perplexed Indian patriots more than this during many years, and increasingly so as we have come nearer to the acquisition of real political power.

The real difficulty is of those who look at the problem with non-communal eyes and are anxious to propound a solution with impartial minds and in a spirit at once national and rational. They can put forward proposals logically defensible and substantially just, but are less successful in persuading communalists to accept either their 'bona fides' or their proposals. Both Congress and Liberal Federation are non-communal organizations whose dominant aim is Swaraj in which the whole people will participate and not only particular sections of them. I conceive that no Liberal is a good Liberal who has a communal mind. Of necessity every Liberal is of one or another community but it is his duty to appreciate all points of view and try to meet them. I am glad and happy to be able to report to the Federation that every Liberal without exception acted conscientiously in this spirit in the discussions in London, and some Liberals laboured strenuously to promote a settlement which would err on the side of generosity to the Muslims. It was not their fault that they failed. There was among the Muslims a solidarity produced by the simple device of restricting membership of the Conference to men of one way of thinking. Since then the nationalists among Indian Musalmans have organised themselves, and I am sure I can speak for you all when I pay a tribute of admiration and respect to Sir Ali Imam, Dr. Ansari, Mr. Sherwani and other stalwarts for their bold and patriotic stand. If report speaks true, not one of them is going to be asked to attend the next session of the Conference in London. If this be so it throws a lurid light on the political mentality of those responsible for an omission that admits of no milder description than that is inexcusable. Who created the communal problem as we have known it during the last quarter of a century? What has kept it alive and accentuated it? I have only to say separate electorates, and leave the rest to inference. Who argue that responsible government cannot be introduced unless the antecedent condition of a settlement of the communal question by consent is fulfilled? And who pack the Conference, on the result of which so much depends, with persons of extreme opinions and rigidly keep out those who have the Will to Peace? And all this synchronously and in conjunction with their invitation to Mahatma Gandhi and Pandit Madan Mohan Malaviya to go and achieve a result that will guarantee peaceful political development and dismissal of the very thought of any more Disobedience campaigns! I may leave this tale at this. Let me state here definitely that I do not agree that failure in such circumstances to reach a settlement by consent can be a valid reason for the withholding of the rights of self-government from the people.

On the question of electorates, the farthest length to which I personally would think it consistent with national interests to go in the direction of compromise, is either to allow separate electorates to return just the numerical proportion to which a minority community may lay a legitimate claim with liberty to contest additional seats through joint electorates, for a period of ten years, after which they shall by statutory provision expire automatically; or to allow them to return one-half of the allotted number of representatives in the first election under the new constitution, one-fourth in the second and none thereafter as there should be no communal electorates left. In no province is any special electoral device to be introduced at the instance of a majority community. All important minorities should receive equal treatment, whether they are Hindus or Sikhs or Muslims. The problem is of minority safeguards, not of the protection of majorities. Let this not be overlooked. To the valid objection that a majority community ceases for purposes of elections to be a majority community, if it is a minority in the register of voters, my reply is that as recommended by the Franchise Sub-Committee of the Round Table Conference and (I have noticed with pleasure) approved by the Nationalist Muslims, the franchise should, while it is uniform for all communities in any given area, be

so developed or extended as 'to give to each community, as nearly as may be, a voting strength proportional to its numbers.' I at any rate can think of nothing more equitable, unless adult franchise is introduced at once—a step to which I for one have no objection.

One particular claim of Muslims, which I am sorry that Nationalist Muslims have made not less than their more communal co-religionists, is indeed a matter of great constitutional importance infinitely more than communal and I am surprised at its concession by the Working Committee of the Congress. I refer to the question of residuary powers. 'The future constitution of the country shall be federal,' so runs this part of the Committee's resolution, 'the residuary powers shall vest in the federating units.' But this is qualified by 'unless on further examination it is found to be against the best interests of India.' I am sorry that an organization of such importance should have recorded a definite opinion on such a subject before it concluded its examination of it. And, therefore, I am not surprised to learn that Pandit Madan Mohan Malaviya, far the most experienced member of Congress and the senior most now living with the one exception of Sir Dinshaw Wacha, has not supported the resolution.

## PROCEEDINGS AND RESOLUTIONS

### SECOND DAY—2nd. AUGUST 1931

After the presidential address the Subjects Committee was elected and after three days' deliberations, the open session of the Federation was held on the 2nd. August 1931.

#### RESOLUTION FROM THE CHAIR

The first four resolutions recording the Federation's sense of the loss sustained by the deaths of Pandit Motilal Nehru, Maulana Mahomed Ali, the Maharaja of Mahmudabad and others, strongly condemning the dastardly attempt on the life of the Acting Governor of Bombay and the assassination of Mr. R. R. Garlick, thanking Lord Irwin for all the past and present services to India and welcoming Lord and Lady Willingdon, were put from the chair and passed.

#### APPRECIATION OF MR. BENN'S SERVICE

The fifth resolution recorded the Federation's appreciation of the useful Round Table Conference, and the services rendered to India by the Premier, Lord Sankey, and Mr. Wedgwood Benn.

The resolution further stated that while the Federation was satisfied that the Congress would be represented at the next Round Table Conference, the Federation earnestly appealed to the Viceroy and His Majesty's Government to give adequate representation to nationalist Moslems, to the Anti-Separationists of Burma and to representatives of labour and agricultural classes at the Conference.

#### SAFEGUARDS QUESTION

The Liberal Federation further resolved :

(a) While cordially approving of an Indian Federation constituted of States and Provinces, the Federation is of opinion that the Federal Executive should be made responsible to the legislature.

(b) That the Central Government should be vested with power to deal with any matter affecting the whole country that may not have been anticipated and put in the central list of subjects.

(c) Defence should be a reserved subject under the Governor-General during the transitional period, its duration should be fixed by statute and provision should be made on the following lines regarding defence during such period :—(1) Expenditure should be fixed for five years and revised every five years by a Committee of an equal number of experts nominated by the Governor-General and the members of the elected legislature ; (2) the amount so fixed should be at the disposal of the Governor-General without the vote of the Legislative Assembly in this behalf, but without prejudice to its right of discussion ; (3) any excess over the amount should be subject to a demand for grant which will have to be voted by the Assembly ;

(4) the Governor-General should, in the event of hostilities on the Frontier, have further power of declaring in emergency and appropriating supply to meet it without a prior reference to the Legislature, but he should report his action to it and it should have the right of discussion; (5) a definite scheme for the Indianisation of the Defence forces including the officers and men, wishing a specified time as far as practicable, should be immediately propounded; and the provision of facilities for the training of Indians for service in all arms of the Defence so as to complete the process within a specified period should be in charge of a Minister responsible to the Legislature.

(d) (1) The Federation is of opinion that the Governor-General's special powers should be confined to cases where there is a breakdown of the constitution by reason of a serious disturbance of the peace likely to involve the country as a whole; (2) while the salaries and pensions of persons appointed on guarantee by the Secretary of State should be secured along with the supply required for the reserved departments as consolidated fund charges, no power regarding finance should be vested in the Governor-General except that regarding external loans, provisions similar to those contained in other Dominion Constitutions may be embodied in the Indian constitutions; (3) the Federation disapproves of the safeguards proposed at the Round Table Conference vesting power in the Governor-General to over-ride the Finance Minister in the matter of exchange, currency, borrowing and budgetary arrangements, and is of opinion that the necessary safeguards in this behalf for the transitional period may be secured by the creation, if necessary, of a statutory Financial Council till a Reserve Bank is established; (4) the Federation regrets the policy pursued by the Government of India regarding exchange, resulting in frittering away the gold resources of the country as calculated indefinitely to postpone the establishment of a Reserve Bank.

(e) Regarding trading rights, the Federation is unable to accept the proposal embodied in Clause 14 of the Minorities Committee report unless it is made clear that the future Government of India will have complete freedom to take measure for the promotion of basic trades and industries.

(f) On the question of public debts, while the Federation unreservedly denounces all suggestions for repudiation of India's public debt by any future Government of India, it is of opinion that in view of the various financial obligations imposed hitherto on India an impartial and independent tribunal be appointed to investigate and decide on the nature and extent of adjustment between Britain and India on the eve of the transference of power from the British Parliament to a responsible India Government.

(g) Regarding provincial constitution, while the Federation generally approves of the Su.-Committee Report thereon, it strongly opposes the conferment of special powers, both legislative and financial, to the Governor except that he may have emergency power to deal with serious disturbance of the peace. The proposal to establish a second chamber in certain provinces, in the opinion of the Federation, if carried out, would detract from the autonomy of the provinces and hence these two proposals should be reconsidered.

#### THE MINORITIES ISSUE

(h) Regarding the minorities problem, the Federation accepted the following resolution after amendment. Before the amendment, clause I read as follows: "Separate electorates should be done away with or in the alternative, they should not be maintained beyond a fixed term of years." This clause was amended and finally passed as follows:

"Separate electorates should be done away with and they should be replaced by joint electorates with reservation of seats for minorities. (b) There should not be a statutory fixation of the majority. (c) The position of all important minorities should be equitably considered in the determination of weightage. (d) There should be no statutory recognition of communal representation in the the All-India, Provincial, or Executive services, but by convention fair and adequate representation should be secured for the various communities consistently with the consideration of efficiency qualifications. (e) All necessary reasonable and practicable guarantees should be given to all communities regarding religion, culture, language and special laws.

When the resolution on the Minorities Problem was taken up, a lively yet instructive debate ensued evoking 'most eloquent speeches from two different angles of vision, old veteran Liberal leaders like Sir Chimanlal Setalvad and Sir



Cowasjee Jehangir (Junior) ranged on one side and young Liberals strong numerically, opposing them vehemently on the question of joint versus separate electorates.

Sir Chimanlal was the protagonist of a compromise resolution which though it favoured the abolition of separate electorates accepted them for a fixed period in order to placate that section of Muslims who unflinchingly demanded separate electorates.

Sir Chimanlal in the course of an eloquent plea for the acceptance of the resolution, said he fully realised both from the democratic point of view as well as in the Muslims interests that continuation of separate electorates was abominable 'but he said he could not overlook the fact that a large section of Muslims, whether, right or wrong, still clung to separate electorates. If they were not placated, they would be a handle to the reactionaries at the London Conference to retard progress. He added that even if Indian delegates to the Round Table Conference succeeded in compelling the Government to concede them all their demands, the new constitution would not be worth twenty-four hours' purchase if a large section of Muslims remained discontented. He therefore urged that they should accept his resolution, so that they could win over Muslims and present a united front at the Conference.

Rao Bahadur Kale moved an amendment omitting the continuation of separate electorates altogether, and substituting in their place joint electorates with reservation of seats for the minorities.

The mover of the amendment opposed the resolution and he was supported by Mr. V. N. Chandavarkar, and several other young Liberals. The burden of their speeches was that they as Liberals should stick to their principles, and never yield to reactionaries for the sake of compromise on such an important question.

The vehement appeal made by the young Liberals went home, with the result that the amendment was carried by an overwhelming majority.

#### NO CONFIDENCE IN CENTRAL LEGISLATURE

The following resolutions were also passed :

"The Federation favours the preventing of vexatious motions of "no-confidence" in the Central Legislature and the securing of the stability of the executive by means of reasonable provisions. It recommends particularly that the procedure obtaining at present in India and in certain other countries should be adopted for the future constitution.

Members belonging to the States except Ministers, should have no right of speech or vote on motions of "no-confidence" arising out of matters affecting only British India.

(2) There should be no nomination of British Indian representatives and the States should allow their representatives to be chosen by some form of election which should after a fixed transitional period, be uniform with the system obtaining in British India, although in the beginning all of them may not be elected.

(3) The provinces shall return their representatives to the lower House ward by direct election.

(4) The Federation is of opinion that in the popular chamber, the distribution of seats should be made strictly on the basis of population.

#### ADMINISTRATION IN THE STATES

Regarding administration in the States, the following resolution moved from the chair was passed :

The Federation while recognising the need for the maintenance of internal autonomy and the sovereignty of the States, hopes and trusts that the rulers of the States will seriously consider the desirability of gradually making their administration approximate to the system of administration in British India.

#### CIVIL SERVICE AND GOVERNORSHIP

The Federation was strongly of opinion that no member of the permanent Indian Civil Service be hereafter appointed as Governor of any province.

#### FUTURE OF BURMA

On the question of Burma the following resolution moved from the chair was

The Federation is of the opinion that the Secretary of State's declaration in Parliament on the "separation" of Burma from India was premature as the Round Table Conference had left the question open for further consideration. The Federation urges that this question should be decided on its merits after the fullest opportunity had been given to that section of opinion in Burma which is opposed to such separation to state its case.

#### RECRUITMENT TO THE SERVICES

Regarding the Services, the following resolution was passed: "The Federation is of opinion that the Indian Judicial Services should be recruited entirely from the members of the bar and that the members of the Indian Civil Service should not be eligible for the same; that the Provincial Governments should have freedom in respect of the recruitment to their Medical Services, and that their control over the police in their respective provinces, both legislative and administrative, should not be less complete than over any other departments.

#### FRANCHISE QUESTION

Regarding franchise, the Federation approved of the extension of franchise for men and women alike, and strongly supports the recommendation of the franchise sub-committee.

#### ELEVATION OF DEPRESSED CLASSES

The following resolution regarding the depressed classes was moved from the chair and carried: "The Federation has the strongest sympathy with the most legitimate and laudable aspirations of the class called depressed to ameliorate their condition in all spheres of national life and heartily commends all suitable measures for achieving this end."

#### ELECTION OF SECRETARIES

Sir Cowasjee Jehangir (junior) and Mr. D. G. Dalvi were elected Honorary Secretaries of the Federation until the next session which, it was decided should be held at Calcutta.

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# ALL INDIA DEPRESSED CLASSES CONFERENCE

GURGAON—31st. OCTOBER 1931

The following is the text of the presidential address delivered by *Rao Bahadur M. C. Rajah* at the 9th. session of the All India Depressed Classes Conference held at Gurgaon, Punjab on the 31st. October 1931 :—

I thank you heartily for the honour you have done me in asking me to preside over the deliberations of the 9th. All-India Depressed Classes Conference. I am glad to be in your midst once again and words fail me to express adequately my gratitude and appreciation of the great welcome you have given me to-day. At the same time I should confess I do not regard it as merely an honour. I regard it also as a duty. When your invitation came to me to preside over this Conference, I felt it was my bounden duty to accept the invitation and to use the opportunity for rendering some service to the community to which we all belong. To-day I propose to discuss some of the important problems which are engaging the attention of our people, the Round Table Conference, Dominion Status, the System of Representation, the Franchise and the Service.

Our first duty to-day is to offer our most cordial and respectful welcome to Their Excellencies Lord and Lady Willingdon. Though His Excellency Lord Willingdon assumed charge of the responsibilities of his high office at a most critical juncture, yet we the Depressed Classes of India wish His Excellency a most successful and a happy career in India, and as loyal and law-abiding citizens assure His Excellency our hearty and unreserved co-operation in his arduous task to make his administration a glorious success. His Excellency Lord Willingdon has been a true friend of the Depressed Classes. His Excellency was the first to appoint a member of the Depressed Classes to a Provincial Legislature. His Excellency was the first to create a Special Department in the Presidency of Madras for the protection of the interests of the Depressed Classes. In Lord Willingdon we have a sympathetic Viceroy who knows only too well how real our grievances are and if only we represent our case to him, I am sure His Excellency will see that our interests are not ignored or sacrificed in the disposition and distribution of powers coming in the wake of reconstituted Government of India. We the Depressed Classes of India hope and trust that during His Excellency Lord Willingdon's term of office our claims will be fully recognised, our demands will be readily met and our wrongs will be promptly righted.

The most important topic of the day is the Round Table Conference. We wish the Conference all success. In this most important Conference, I am sorry to say that in spite of repeated representations to the Government, the Government thought it wise to give us only two seats out of about 80 Indian Delegates. Out of a population of (as per census of 1921) 246 millions the Hindus number 163, Muslims 59, Sikh 2 and Indian Christians 2 millions. Out of the Hindu population of 163 millions, the Depressed Classes number about 50 millions. Thus the Depressed Classes comprise 20% of the population of British India and 30% of the Hindu population. The Representation given to us on the R. T. C. is only 2 out of about 80, in the words of Sir Isaac Foot, M. P. "there are only two representatives for the great mass of people who form the Depressed Classes." I do not know what the guiding policy of our Government is with regard to those nominations. With due respect, I say that Government must change their policy in order to inspire confidence in the Depressed Classes. Unless Government change their policy towards the Depressed Classes, and try to meet their legitimate aspirations, I am afraid they will alienate the regard and respect of a very large section of the population of the country and drive a loyal and law-abiding section into the channel of discontent with results detrimental both to themselves and to the Government. I sincerely hope the Government will become wiser and more responsible to our demands, the demands of those who have been with them through thick and thin and that they will at least from now try to translate their sympathy towards us into action. The representation given to us on the R. T. C. is most inadequate and require the attention of the Government immediately.

Coming to the question of Constitutional changes let me tell our friends that we are not in any way opposed to Constitutional advance for our Country. We are for Responsible Self-Government. We are for Dominion Status. We are also for Federal System of Government for India. But certainly we are not for that kind of Government which if given will only benefit the intelligentsia and will not enable the Depressed Classes who form one-fifth of the population of the country to participate in it with equal benefit.

Let me tell you that political development is only a vehicle for human life and human progress : and its function is to provide a nation with means for bringing new hope and for increasing the happiness of the people ; for, liberty, unless human brotherhood follows in its steps, may easily become an intolerable tyranny. We have had enough of tyranny exercised under the influence of class-pride and organised economic selfishness and with the sanction of hoary custom and of hereditary religious authority. Let us not have one more tyranny exercised through statute and politics added to the list.

Need I say that the so-called High Caste Indians have been very often profuse in their lip sympathy for us. We have heard them say "Are not these Untouchables our countrymen, bone of our bone and flesh of our flesh." Beyond this they have not raised their little finger to remove this blot of Untouchability on Hinduism but at the same time they have been treating us as worse than beasts. You know that even to this day the Depressed Classes are not allowed access into the King's highway ; they are not allowed to take water from public waterways and springs, they are not allowed to educate their children in public schools ; they are not allowed to take rest in public rest-houses or choultries, they are not allowed into Hindu temples even for worship ; they are not allowed to take part in Hindu ceremonies ; they are not allowed to read the Hindu Scriptures ; they are not allowed to bury the dead in the Hindu cemetery and it is said that they have no place in the Hindu-heaven. Still the Depressed Classes are termed as Hindus and they are labelled as such. We are a separate community though we are labelled as Hindus.

We see lot of misrepresentation being carried on in London, Mr. Gandhi is reported to have said at the Round Table Conference that the Congress has been taking care of the Untouchables from the beginning and "the Congress had always stood and still stood for the removal of Untouchability," and "that the Congress has always championed the cause of the Untouchables." I now say that these statements are all untrue.

The Indian National Congress had been functioning for over 46 years. About ten years ago they adopted a Resolution for the Removal of Untouchability and a few years later Mr. Gandhi included the item of the Removal of Untouchability in the programme of the Congress along with Prohibition and Khadder. I would like to ask Mr. Gandhi if he and his followers have devoted one hundredth as much attention to the Removal of Untouchability as to the promotion of Khadder though many of them know that Khadder is a poor economic proposition by the side of mill made cloth. Khadder is no doubt immediately useful for wresting power from the British people, whereas the Removal of Untouchability is not useful for such a purpose, though it is even more useful and more permanently useful for establishing Self-Government in this Country.

If Mr. Gandhi really cared more for Swaraj than for power being transferred to the hands of favoured classes in the Country, he would have placed the Removal of Untouchability in the fore-front not merely of the programme of the Congress but of the activities of the Congress Committees and workers, for Mr. Gandhi himself had said on more than one occasion that "sooner this ban of Untouchability is removed, the nearer will India be to the goal of complete Dominion Government" and "without this removal India will gain Swaraj only to lose it the next month," and "it is a Reform not to follow Swaraj but to precede it." For Khadder, you all know there is the All-India Spinners' Association with its endless funds and numerous workers and roaring business but where are the workers for Removal of Untouchability ? Where are the Congress Missionaries of Social Equality and Social Justice ? Might I ask, has the Congress any Social Reform programme ? These are all a shop window presentation of Hindu Society to impress foreign observers. But actually there is nothing said and nothing done for laying the social foundation for Swaraj.

Why does not Mr. Gandhi direct his energies to remove the oppressive features in our Social structure, and in particular to remove the canker of Untouchability

before he makes any further attempt for Swaraj, since he himself had wisely admitted on more than one occasion that this Reform should precede Swaraj.

I have often wondered what mighty results would have been achieved if a man of the character and power of Mr. Gandhi had undertaken a real crusade against untouchability. You are all aware of his memorable march on Dandi by which he started his Salt Satyagraha. Just imagine that same leader of men commencing in that same heroic manner a march on some of these Ancient Temples where the untouchables are kept from the worship of God by threat of prosecution. I regret that such an idea had never dawned upon him. Some of those who begin to seek for causes and reasons may say that such a crusade would have lacked the theatricality of the march on Dandi or that for actual results it would have been a task marked for failure. But even as a failure it would have been one such failure that history would have loved to treasure. But with such a man and for such a cause I would not foresee failure or could it be that even as common mortals "Mahatma" did not want to espouse a cause which would have ensured for him the scorn and hatred of the orthodox hindu race which would have even lead him to a martyr's death. But the nobility of the cause would deserve the sacrifice.

As I have said on more than one occasion, we welcome Constitutional Reforms which will enlarge the powers of the Councils and give the people greater voice in the Government of the Country. But before such powers are given we must be sure that they will not be used to strengthen the hands of our oppressors, so that they may oppress us more and that we are not placed in a position of helpless impotency from which there is no escape except in revolt and rebellion. It is all very well to say "let us get Swaraj or Dominion Status first and then we shall settle our differences and redress the wrongs of the Depressed Classes." This is the language of the Bania or Bazaar-man who sells mangoes and says that his mangoes are very sweet and if the buyer finds them sour on eating then he will pay back the money. I tell you money once parted with never comes back and Swaraj once obtained is never withdrawn and the poor people who suffer under Swaraj will have to put up with their lot and bite their lips for not having foreseen the consequences and for having been silent and passive before Swaraj was granted.

Mr. Gandhi was always demanding a change of heart in the British Government. Is it not our duty now to seek for some sign of change of heart in the Hindu Majority Community towards the Depressed Classes? I see no sign of such change of heart.

Mr. Gandhi only thinks of the Muslims and the Sikhs. He thinks that if the Hindu-Muslim problem is settled everything is over. I say he is entirely mistaken. Does he think that the cause of the Depressed Classes is less just than that of the Muslims and Sikhs? By all means let the Hindus and Muslims come to an amicable settlement. But what about the tyrannies practised by the Hindus on the Depressed Classes?

The grievances of the Depressed Classes are more real than the grievances of the Muslims and Sikhs can ever be and yet I am sorry to say Mr. Gandhi is contented to leave the wrongs of the Depressed Classes unredressed. The Hindu-Muslim problem, as you all know, belongs only to the Punjab and Bengal, whereas the Depressed Classes problem exists throughout India. The Sikh problem is a problem confined only to the Punjab whereas the problem of the Depressed Classes is an All-India problem. The population of the Sikhs is only about 2 millions. The population of the Muslims is about 60 millions and the population of the Depressed Classes is about 50 millions, second large Minority Community next to Muslims. Moreover, the Muslims and the Sikhs do not suffer from any civic disability, whereas we do. Our problem is graver than any other Minority Community in India. If, at all, any community deserves safe-guards it is we. The Depressed Classes require greater and stronger safe-guards. Yet Mr. Gandhi, who is believed to be an all-round reformer, I am pained to say, is reported to have said at the Round Table Conference that he would resist at the risk of his life any Special Representation being granted to the Depressed Classes. But he would be willing to give Special Representation to the Muslims and the Sikhs. Mr. Gandhi would not give us what we want. We want Separate Electorates for our community as a temporary measure. But he wants to force into our unwilling throats Joint Electorates. Mr. Gandhi evidently does not know our woes, "the toad beneath the harrow knows where each tooth point picks".

As a man, Mr. Gandhi is a gentleman, a good, kind-hearted, sympathetic man. As a man, he has very few rivals, a great man indeed. At present he is a man

honoured by the whole world, by all classes and communities. I have a great regard for him. As a politician, we should view him in a quite different light. As a politician, he cannot be a friend of the Depressed Classes. In the Round Table Conference, he is there as Mr. Gandhi the politician, head of the political party the Indian National Congress. He is there as the Advocate of the Congress, and not as the Advocate of the Indians. As a member of the Working Committee of the Congress, his hands are tied and he dare not go against the decisions of the Committee, though as a man he may rightly differ from the Congress in its *laissez faire* attitude towards the Removal of Untouchability. All I wish to say to-day is, beware of Mr. Gandhi the politician.

I have absolutely no quarrel with Mr. Gandhi and I implore you not to have anything to do with Mr. Gandhi. Leave Mr. Gandhi alone. In this connection I wish to congratulate my friend Dr. Ambedkar on his bold stand at the Round Table Conference when he demanded Separate Electorates for the Depressed Classes. Though Dr. Ambedkar is individually wedded to the system of Joint Electorates with Reservation of seats coupled with Adult Franchise, he in obedience to the demands of the Depressed Classes advocated in unequivocal language the system of Separate Electorates for them. I also take this occasion to thank all those Depressed Classes Associations throughout India that sent cables to London strengthening the hands of Dr. Ambedkar as against Mr. Gandhi. There were also a few cables one from Benares, one from Delhi, one from Ahmedabad and two from Bombay repudiating the representative character of Dr. Ambedkar to represent the Depressed Classes and supporting Mr. Gandhi. We all know what the cables are and how they are manufactured. These cables remind me of that bogus telegram manufactured by the Madras Congress Leaders during the Statutory Commission debate in the Indian Legislative Assembly on the 18th of February 1928 repudiating my representative character to represent the Depressed Classes of the Madras Presidency in the Legislative Assembly. The Madras Congress Leaders in the Assembly then made my esteemed friend Pandit Madan Mohan Malaviya a tool in their hands and made him to read that telegram during the debate. Poor Mr. Malaviya mistaking it as a genuine one read it during the debate. When he came to know of the bogus nature of the telegram he came and apologised to me. Whatever his political views are, I have very great regard for him, for he is a perfect gentleman. So much for that.

In consideration of our Separate Interest, our Numerical Strength, our Political Importance and our Undoubted Disabilities we press our right as a distinct community to Elective Representation on the Legislatures, by means of Separate Electorates. We need hardly say that we want Separate Electorates for our Community. Our men elected directly by us can alone communicate faithfully to Government our thoughts and feelings, our grievances and suggestions for our improvement.

Our sorrows are too deep-seated to be expressed by others. Besides Separate Electorates are Political Schools for educating the Community in the effective exercise of the franchise and effective criticism of the actions of its representatives. The peculiar position of the Depressed Classes to-day demands that their interests have to be protected against the Hindu co-religionists. In a Joint Electorate where the voters were actuated by common interests division will follow opinions about the merits of the issues involved; and where conflict of interests is involved the voting will go by interests, and it is clear that minority interests will never succeed in getting representation. In the Joint Electorates the proportion of Depressed Class voters would be small and the candidates who would fill the Reserved Seats would in reality be the nominees of the majority of the Electors. The Constituencies being predominantly Caste-Hindu no one could hope to get elected who did not pander to or at least respect Caste prejudice. A Depressed Class member elected on the strength of the Caste-Hindu votes would not be beholden to his Community. There is thus the danger of the seat being occupied by the dummies of the so-called higher castes. Where he is afforded the protection of Separate Electorate this danger disappears.

For the successful working of Responsible Self-Government the contentment of all classes is very essential. It would be only wise to grant the community its desire, without forcing into its throats what it does not want. The moment our confidence in the sense of equity, justice and fairplay on the part of the Caste-Hindus grows and our suspicions of majority manipulation vanishes to such an extent as would render Separate Electorates unnecessary we will not hesitate to go in

for Joint Electorates with Reservation of seats. The representatives of the Depressed Classes waited in deputations and gave evidence before the Indian Statutory Commission. Out of the 37 associations that placed before the Commission their considered opinion, 35 demanded Separate Electorates, one favoured Joint Electorates with Adult Suffrage and Reservation of seats and the other wanted Nominations.

It will not be out of place for me to mention here that in the Minority Report of the Reforms Enquiry Committee signed by Sir Tej Bahadur Sapru, Sir P. S. Sivaswamy Iyer, Mr. M. A. Jinnah and Dr. R. P. Paranjpye, these members suggest, "that for the next few years Special Constituencies might be formed for them (Depressed Classes) and in the Nehru Report the authors while admitting that "the Hindus are chiefly responsible for this suppression of a large class" admit also that the only way to secure representation to the Depressed Classes is either by Nomination or by Separate Electorates, and after admitting this and rejecting Nomination they deliberately refused to accept Separate Electorates. If there are only two alternatives open statesmanship demands to choose the lesser evil but rejecting both is ignoring the problem and not solving it. Might I add here that the President of the Tamil Nadu Congress also is in favour of Separate Electorates for us?

It may be taken for granted that hereafter the door of Nomination for entering Councils will be closed and closed for ever. It is best that it should be so. The next stage in the evolution of the political consciousness of our Community can be reached only through Separate Electorates. I am glad that over this point the Depressed Classes throughout the length and breadth of the Country are of one mind.

Now what should be our action. It will not do for us to stand aloof and look at the controversy between the Hindus and the Muslims as it did not concern us. We should join hands with other communities like the Muslims, Anglo-Indians and Indian Christians and lodge our protest against a Joint Electorate which while it soothes dreams of a National Unity where no unity exists, is sure to be used by a Communally Minded but Nationally Speaking Hindu Majority for securing political power with which they could oppress weak and backward minorities.

In this connection, on behalf of the Depressed Classes, I wish to offer our thanks to Sir Tej Bahadur Sapru, Dr. B. S. Moonjee, Sir A. P. Patro, Sir Henry Gidney, Dewan Bahadur A. Ramaswamy Mudaliar, Dewan Bahadur M. Ramechandra Rao and Rao Bahadur A. T. Pannirselvam for supporting Dr. Ambedkar in his demands for Separate Electorates for us.

As for the Number of representatives in the Councils, the least that should in justice to the community be granted is Representation Proportionate to our population. I would even suggest that we should demand a little more than this so that we may have a sufficient number in the Councils to protect our interests.

We should also urge that the Depressed Classes should have their interests safeguarded by the inclusion of a member of the Community in the Cabinet of the Provinces, as well as in the Viceroy's Executive Council, on the same basis of qualifications as laid down for members of any other Minority Community like the Muslims.

Coming to the question of Franchise, let me tell you that we are for adult franchise as the ultimate goal. But we are conscious of the fact that it is not practicable at the present day. I see Mr. Gandhi too is of the same opinion, yet he opposes the grant of Separate Electorates to us. In our opinion, the present Franchise qualifications should be lowered and the present Electorates should be doubled immediately. The process of enlarging the Electorates must be carried on from time to time till it ultimately embraces the whole Adult population both males and females. In such enlargement where property qualification is introduced however low it may be, we should insist so as to bring on the Elector's list, not only those who possess property qualification, whose number in our poverty-stricken community must necessarily be limited, but also persons who may not possess property but may possess education of some sort (Primary School Leaving Certificate). In this connection I am in agreement with the proposal of the Indian Statutory Commission that instructions should be given to the Franchise Commission to devise such qualification as would secure the same proportion of voters to the population in different communities.

It is of utmost importance that there should be at least a member of the Depressed Classes on the Franchise Commission which is to be constituted.

The position of our Community in regard to Public Services calls for immediate remedies. In spite of Section 96 of the Government of India Act that no person

shall be disabled from holding any office under the Crown by reason of his religion, birth, descent, colour or any of them the claims of the Depressed Classes have been completely ignored by the Government in regard to Public Services, though the Government concede the policy of Minority Representation in Public Services. Efficiency no doubt cannot be overlooked. But to admit the claims of Social prejudice is down right reactionism. In this connection I should like to invite the attention of the Government to the evidence recorded by the Simon Commission contained in the Indian Statutory Commission Report Vols. 15, 16, and 17 wherein they will find that in the Provinces of Bombay, Punjab, Bengal, United Provinces and Assam the members of the Depressed Classes are not taken into the Police Department on account of Untouchability. Adequate percentage of Government appointments both in the Superior and Subordinate grades should be reserved for the members of the community and that the minimum qualification required under the Public Services Notifications should be considered sufficient. While our present position entitles us in the interests of the country to preferential treatment, even when possessing the necessary qualifications our claims have been overlooked because of the superstition of Untouchability. The fact that Social prejudice exists should not serve as an excuse for brushing aside our claims. Efficiency is no doubt necessary but to admit the operations of Social prejudice in recognising efficiency is unjust and unrighteous. I hope the Government will not commit this wrong any longer but would see, as a matter of policy and justice, to the recruitment of Depressed Classes in all branches of Administration both in the Superior and Subordinate grades.

The Public Services Commission with the Central Government as also with the various Provincial Governments must take these factors into consideration in their task of recruiting to the various Services. The Public Services Commissions themselves must contain members of the Depressed Classes who could see that the claims of the community are properly safe-guarded.

Above all it is of utmost importance that there should be declaration of Fundamental Rights embodied in the Constitution of India for giving the Depressed Classes equal citizen rights.

Whatever may happen, it is our duty to be awake and to be up and doing. It has been said that external vigilance is the price of liberty. It may be added that external activity is a condition of progress. People may say we are reactionaries. We are not. We are fighting for freedom. There are two kinds of freedom, freedom from external trammels and freedom from internal restrictions which say, "thus far shalt thou go and no further," and this is what the political leaders say. We are not going to be frightened. We should stand up for our rights and obtain internal freedom for our country. In fighting our cause we are fighting the cause of all Minority Communities. If other communities are wise they will not only support our cause at this juncture but join hands with us, recognising with us their rise or fall.

In conclusion I thank you for the patient hearing you gave me and wish the Conference all success. Though things are bad enough at present, it should be remembered they were worse some time ago. That they have improved somewhat is due to the awakened consciousness on our part. That they are not better is due to want of union amongst us. If you want them to be better in the future, you should be awake and united. Let not jealousies divide us into parties and sections and make us an easy prey to those who would like us to sleep as we have been sleeping for ages and to be under their control. Let us become alive to the dangers of the situation and act wisely and unselfishly in the interests of the community. In doing so, we shall not go against the interests of the country as a whole.

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# THE ALL INDIA CHRISTIAN CONFERENCE

POONA—28TH. DECEMBER 1931

The seventeenth annual conference of the All-India Christians met on the 28th. December at the Empire Cinema, Poona. Mr. Jordan, Principal of the Parker High School, Moradabad presiding.

In the course of his address the President said that though there were elements in the Indian political situation to cause anxiety, true cure for the troubles of India lay in the speedy completion of the work of the Round Table Conference. An All-India Federation with responsibility at the Centre and Provincial Autonomy had been accepted by both the houses of Parliament and endorsed by leaders like Sir Tej Bahadur Sapru, and Mr. Jayakar. He advised the members of his community to cultivate more friendly relations with their Hindu, Moslem and other brethren and, should trouble arise, they must side with law and order. He considered that it was essential that the youth of their community should be trained to know and appreciate Indian culture and civilisation and that their schools should inculcate spirit of nationalism among pupils.

Resolutions were passed thanking the Indian Christian Delegates to the Round Table Conference for their work. The Conference endorsed the Indian Marriage Act and expressed opinion that the couples marrying under it must abide by its provisions.

Next day, the 29th. December, the following resolution was moved by Mr. Ralliarum from U. P. :—

This Conference regrets that at this time of the return of National leaders and especially of Mahatma Gandhi to the country, when every step should have been taken to create a peaceful atmosphere, Pandit Jawaharlal should have been arrested. The Conference, therefore, urges on the Government the necessity of releasing Pandit Jawaharlal and other members of the All-India Working Committee of the National Congress with a view to secure for them the unhampered opportunity and calmness of mind for determining the future political course.

The resolution raised a heated debate but in the end it was finally passed.

Another resolution which created an interesting debate was moved by Mr. Ralliarum. The resolution asked the Congress not to launch Civil Disobedience movement and made a mention about the successful working of the Conference. Rao Sahab Salvi from Nagpur objected to the words 'successful working of Conference' and requested the mover to drop those words which the mover accepted and the final form of the resolution adopted by the Conference runs as follows :—

"This Conference hopes that the Congress will not pursue the no-rent campaign or other method of non-cooperation till the Conference method has had a full trial."

The next resolution passed stated that the present military strength is entirely out of proportion to the Indian need and further demanded substantial reduction in the military budget at an early date and asked the Government to hasten Indianisation of Army in India.

Another resolution passed stated that the salaries of Government officials are excessive and demanded that the scale of such higher salaries should be reduced in order to make them proportionate with the economic condition of the country.

## WITHDRAW REPRESSIVE MEASURES

The last resolution which was passed after some heated debate condemned anarchy and declared that terrorism cannot be met with counter-terrorism and further appealed to the Government to withdraw oppressive measures.

With the Presidents concluding remarks the session came to a close.

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# THE EUROPEAN ASSOCIATION DINNER

CALCUTTA—30TH. DECEMBER 1931

The annual dinner of the European Association was held at Calcutta on the 30th. December 1931. There was a very large and distinguished gathering present in which Their Excellencies the Viceroy and Countess of Willingdon, Sir Stanley and Hon. Lady Jackson, Sir Philip Chetwode and Lady Chetwode, Vice-Admiral Fullerton, the hon. Sir R. L. Mitter, all Bengal Cabinet Ministers and Viscount Rattenden were the chief guests.

The occasion was specially important as not only was the Viceroy expected to deal with the present political situation, but also Mr. Villiers, President of the Association, outlined a definite scheme connected with India's future progress on the basis of seeking a solution to all problems, including the communal question, provincially.

## Mr. Villier's Speech

In proposing the toast of the most distinguished gathering, Mr. Villiers mentioned the fact that the European Association is on the eve of entering the fiftieth year of its life. So it was not inappropriate to give a special thought and pay a special homage to the memory of our founder, the late Mr. J. J. Keswick.

He then outlined briefly the events in the stormy days of the Ilbert Bill when the European Association was founded for the purpose of defending the integrity of the personal rights and liberties of the British. The Association still holds this purpose in the forefront of its policy "since on the maintenance of these rights largely depends the connection of the British non-official and mercantile community in India; and, if the importance of this connection has been necessary for the development of a greater India in the past, it will be an even greater necessity in the future when there will fall more and more upon our shoulders the additional task of playing our part in the political arena and of helping India along the road to her destiny and will in the long run make for a sounder and more speedy evolution of that eventually self-governing India to which so many Indians and even some Europeans would unduly and unsafely hasten the way."

Mr. Villiers then proceeded to enunciate the Association's policy when considered in the light of the recent White Paper:

"First of all, we stand for the progressive realisation of self-government in India. I repeat this with deliberation since there are those who profess to find our present attitude towards the re-establishment—ruthlessly if need be—of law and order inconsistent with the maintenance of this ideal. There is of course no inconsistency at all. We have maintained throughout, and have lately reaffirmed, that we are opposed to any advance whatsoever in self-government where organised defiance of the law is still the order of the day. So far indeed from one being intolerant of the other, we look upon the cessation of organised lawlessness as being a condition which must be satisfied before any further advance can be granted and our anxiety for the former is the measure of our desire for the latter.

There will be those who will remind me that last year we were loyal to the policy of lenience and toleration in face of many clear warnings that this policy was being carried to extreme lengths. This is true, but we did so, hoping against hope, that there might arise in India a body of public opinion, strong enough to put an end to this barren creed of non-co-operation. But always was that loyalty given with the full realisation that in the event of these hopes being unfulfilled, sterner measures would have to be adopted. It would seem that that time is now upon us and in the carrying out of your unpleasant task, Sir, we tender you our sympathy and loyalty, realising that while justice may be tempered with mercy, justice is also due to those millions of our fellow subjects who, I am convinced, ask nothing better than to be allowed to live peacefully and loyally under His Majesty's Government.

Secondly, I would remind these critics that no matter what form of Government is set up in this country, it will be the first necessity of any such government to see that the laws are observed and order maintained. We are, therefore, as consistent as we are genuine in our maintenance of this ideal, and for its evolution and attainment, we promise our full and unwavering support.

But the support to be of any value must be sincere and it would be dishonest of me were I not to tell you, Sir, in front of this audience to-night, that the political creed of the British in India is rooted deeply and resolutely in certain conditions without which it can see neither reason for confidence nor the use of co-operation, for it is of the very nature of things that the co-operation to be of any use must carry with it faith in the work for which that co-operation is sought and we hold that there are certain fundamental conditions, the non-observance of which will destroy that faith to such an extent as to render our co-operation of no avail. In a word, we definitely dissociate ourselves from those who would build the roof before the foundations have been laid and further we ask to be satisfied that these foundations are as sound as in the given circumstances the wit of man can devise.

A word then on the question of those foundations. At the conference represented by delegates from 17 of our branches at which this amongst other questions was carefully considered, we reaffirmed our former view that the communal question must be settled voluntarily and not by imposition and by the word "must" we mean if success is to be the fruit of that settlement although of course after a certain period and in certain provinces, an imposed form of settlement may become inevitable. Secondly, we hold that provincial autonomy should be given effect to for a sufficient period to enable the outcome to be judged before anything approximating to full federal autonomy shall have taken place.

In saying this we are not unmindful that changes will have to be made in the central government before provincial autonomy can be introduced, but these we contend should be such only as the fact of provincial autonomy shall demand.

There will of course be those who will claim to see in this our advocacy of provincial autonomy an excuse for shelving the real issue—All-India Federation. I would remind all such that before the publication of the Simon Report, this association had suggested a constitution for India based on the federal principle—every month that has passed since then makes us more certain that accepting democracy as the basis of India's future constitution, this policy is the only one and it is just because we ourselves realise that an ultimate self-governing federation is the real issue that we are so determined that its foundations shall be well and truly laid. By all means let the architect's plans of ultimate structure be clearly delineated now. By all means let the foundations be cut in such a manner as to conform to this aciniation, but the structure, in our opinion, must not be raised before the foundations shall have fully set and proved themselves capable of bearing the weight.

Thirdly, we reaffirm our maintenance of the principle that there shall be tolerated no possibility of adverse discrimination, religious, racial, commercial or otherwise, by any majority against any minority and that there shall remain a sufficiency of the British element in the administration to enable the executive effect to be given to these legislative changes. These are the three great principles by which we stand.

These, surely, are the foundation stones of a successful Federal India.

It may be held that in suggesting conditions which are difficult of attainment we are taking away with the left hand what we profess to give with the right. We admit the difficulty of the conditions, but we definitely do not yet admit the impossibility of their being achieved and we suggest the following as a possible method by which a solution may be sought.

We hold, as we have held throughout, that the one supreme reality in the welter of unreality is the facing of India's problems on a provincial basis and we suggest not merely the possibility, but even the likelihood of India's supreme problem, the communal one together with her other problem, being found capable of a solution on a provincial basis. We therefore hope that you may see the way to urge His Majesty's Government, in addition to the three committees already appointed, to set up, as soon as possible, separate provincial advisory conferences for the purpose of seeking a solution to the communal franchise and other major problems effecting the evolution of self-government within the provinces in order that agreements may be sought such as shall be satisfactory to a substantial majority of the major communities and interests represented.

Further that, if and when these agreements have been reached, you should recommend to His Majesty's Government that on such a province or provinces, as arrive at a solution of their problems, self-government shall be conferred as soon as possible, always, of course, within the four walls of the federal structure to be and

subject to the clear realisation on their part of the responsibilities that shall exist between the federal government and these self-governing States.

Regarding the provinces that will be unable to succeed in fulfilling the condition, we realise that it will not be a practical proposition for these provinces to remain indefinitely in the position of backward provinces and that, as such, after a reasonable period of time, solutions to their problems as well as a constitution, as the Prime Minister has suggested, may have to be imposed. But no matter how anxious most optimistic and advanced protagonists of Federation may be, it is frankly difficult to visualise how a Federation may be achieved with any substantial chances of success unless the various partners forming the Federation are voluntary partners in the widest and fullest sense of the term—how, in other words, a Federation can be made up partly of consenting and partly of non-consenting States. This being the case, we would seem to be faced with the necessity of adopting one of two alternatives, that the achievement of the federal scheme shall be delayed until, by consenting to and working their own constitutions, all provinces shall be in a position to consent to the federalisation, or, failing this and as an alternative, that a federation shall be launched on the basis of including only such States as shall have thus proved their eligibility—machinery being devised for dealing with non-consenting States until such time as they shall have conformed to these conditions.

We realise that this latter course will be fraught with immense difficulty, but difficulties loom ahead in which-ever direction we look and we definitely consider that since the difficulties cannot be avoided, it is better to face those that lead to the land of promise rather than those which we believe will lead us back again into wilderness.

In making these suggestions, we have in mind three considerations. Firstly, we believe there are certain provinces which are ripe for immediate self-government and we see no reason why the fulfilment of their desires should be delayed because of the possibly backward tendencies of other provinces. Secondly, we believe that the granting of self-government in these circumstances to such provinces as prove their eligibility will, for ever, destroy the doubts that still remain in the minds of many as to the integrity of England's intentions towards India.

It matters not whether there be justification for these doubts. The fact remains that they exist and until they are removed we shall not tap that body of would be co-operators which I am convinced exists in all provinces to-day. Lastly, we believe that the sight of and knowledge that some of the more fortunate provinces have been delivered safely of the child of self-government will, more than anything else, encourage others to divorce themselves from their sterile lover—the Congress.

Now let me deal briefly with the problem at the centre. We realise of course that the changes in the Central Government will have to precede the inauguration of self-government in the provinces. but there are two reasons why we hold that federal responsibilities can only be achieved after provincial autonomy shall have been tried out. First of all, since provincial autonomy is the foundation of the entire structure, these foundations must, as I have already said, be tested before they be asked to bear the weight of the federal super-structure. This seems to us to be clear commonsense, the truth of which we should not hesitate clearly and unequivocally to declare. Secondly, if the difficulties incidental to the evolving of provincial autonomy are complex, far more complex are the difficulties and adjustments to be faced before the Federal Government can be evolved. If these difficulties are going to be faced honestly and their solutions neither burked nor assumed, with all the will and all the industry in the world, it must take time and any effort unduly to rush it can but meet with disaster."

Mr. Villiers also acknowledged, on behalf of every member of the Association, their consciousness of the tremendous debt they owe to the public services of India, never more so than to-day, a debt which is due to the Indian as well as to the European members thereof. "We would assure them of any support that lies within our power to give and if at any time our influence, such as it be, can be of service to them, we shall look upon the rendering of such service as a very small part of the repayment of that debt."

In paying a tribute to Their Excellencies the Viceroy and the Countess of Willingdon, Mr. Villiers said that to all who have at heart the welfare of India and the Empire the appointment of the present Viceroy was received with very special welcome. In Bombay, in Madras, and, more recently, in Canada, His Excellency played difficult parts with rare sagacity and resource most ably supported by the

enthusiasm and tact of Her Excellency. "In your new high office, we are confident that again you will play your part, as you have always played it, and it is our earnest hope that good fortune will attend Your Excellency's efforts to restore peace and tranquillity to this great country that you have been called upon to rule."

#### H. E. THE VICEROY'S SPEECH

Dealing with the present political situation, H. E. the Viceroy said :—

"I have fully realised since I have been head of the Government of India the feelings of doubt and bewilderment that have arisen in the minds of both officials and non-officials on account of the fact that they have found it difficult to understand what the policy of the Government has been during the recent months.

#### THE GOVERNMENT'S POLICY

Let there be no doubt as to our policy now. We are determined to move on as rapidly as possible with our work on the constitutional reforms and here let me say, that the British Delegates will, we hope, be with us early in February and I trust that the committees will commence their labours shortly after that date. This being the case, I wish to make it perfectly clear that, while non-co-operation or any other subversive activities will not be allowed to impede the constitutional programme, every measure will be taken to maintain law and order throughout country and to prevent any party who attempts to do so from paralysing the the administration, whether their activities take the form of a no-rent or no-revenue campaign or boycott of British goods and institutions as a political measure or the defiance of the laws of the country. Any measures which the Government may have to take will be particularly directed against organisations, which deliberately attempt to create chaos and destroy any chance of economic improvement in the country and there will be no hesitation on the part of the Government in giving the local Governments all reasonable powers to deal with any situation that may arise.

Now, what is the political situation in India at the present time?—asked the Viceroy. All fair-minded and moderate men and women, who form the great majority in both India and Britain, are in full support of the proposal that Indians should be given complete responsibility over the administration of their country, subject to certain necessary safeguards of which, the exact details have yet to be approved. At the same time, we find determined efforts being made, by some leaders of the only active political organisation in this country, the "Congress" by speech and action of the most unconstitutional and seditious character to destroy the possibility of having a peaceful atmosphere in which to carry out these reforms and to start again that non-co-operation, that civil disobedience campaign, the disastrous results of which to all classes of our people must still be very fresh in your minds.

His Excellency the Viceroy next referred to the agitations in the United Provinces and the North West Frontier Province and put perfectly definite questions to the members of the Congress party as a whole.

Why is it, when we should surely all be co-operating and working together to establish responsible government in this country, on the principle of which we are all agreed, that these Congress leaders should chose this moment to start this subversive campaign? Is it because the leaders of this movement are thirsting for personal notoriety or is it that this is a serious effort to establish a parallel government in India and a determined endeavour to remove the Governor-General and his Government from carrying on the administration of Indian affairs? If the latter, I can assure them that they will find that the Government of India, supported by His Majesty's Government and, as I believe, by a great majority of the Princes and the people of India are not going to be easily moved. If the former I venture to say that they are taking on themselves very serious responsibility in their endeavour to upset and destroy the peaceful recovery of the economic condition of India at a time when peace was never more necessary.

#### APPEAL TO GANDHIJI

Referring to the unbiassed statement issued by the Governments of the United Provinces and the North West Frontier Province giving the reasons which forced them to ask for special powers the Viceroy said :

The perusal of these documents clearly shows hollowness and insincerity of this agitation and I venture to hope that, even at this eleventh hour, Mr. Gandhi, acknowledged leader of the Congress Party, who has only very recently returned from England, will call a halt to those activities and will agree to co-operate with us and give us the advantage of his powerful influence to help forward a solution of the great problem that is before us, namely, to secure for the Indian people the responsibility of administering their own affairs.

You may, some of you, to-night, be asking yourselves why I, after long years of public service, undertook this great Empire duty in India at a time when political and economical conditions had created problems of greater difficulty than had ever existed before. The answer is that I love this country and have the greatest sympathy with and affection for her people and the proudest moment of my life will come to me, if, before I leave this country and close my career of service, I can feel I have helped to establish in India the great system of constitutional reforms, for which I have worked long years, on sound and satisfactory lines and so, I go forward strong in my resolve to ensure peace and order, that we may settle down to the consideration of such constructive measures as will improve the economic condition of the country and give a much wider field for the employment of the youth of our country than is at present available for them, for I believe that there is no country in the world that is in a sounder position to start trade revival than India when the world conditions improve, and we must also endeavour to secure a peaceful atmosphere in order to get on with the work of the Reforms Committees, which will shortly be starting their labours and with this policy in view, I wish to make a very special appeal, on the eve of the beginning of the New Year, to men and women of both British and Indian races, who find in this country their temporary or permanent home and who wish to support and assist the Government at this critical juncture, to co-operate together, to put aside distrust and suspicion and through frank and sincere discussion, to create a desire to find agreement and overcome the difficulties that lie before us.

I beg of all loyal Indians to assist the Government by openly supporting the policy I have outlined and thus create a great public opinion in favour of peace, obedience to the laws of the land and the rapid development of the scheme of constitutional reforms.

Lastly, I wish to say a word to my own countrymen, on a matter on which I have always felt strongly, a word as to the relations between our two races, which has been one of the main causes of our difficulties and troubles in the past. I believe we have all been placed in this world for a period of time to work out the will of Providence, that there can be no question of superiority or inferiority on account of race and colour wherever our work may be, and that it cannot be the colour of man that makes man, but it is the character of a man, whatever his colour, that counts.

Fate has ordained long ago that British and Indians should be closely associated in working out the destiny of India, and we, the British, can look back with great pride on our share in this all absorbing task and if my countrymen will bear in mind what I have said to-night on this subject and realised in its true perspective what our relations with our Indian fellow citizens in this country should be, namely absolute equality of opportunity, I am perfectly certain that our two races will be found working together for many long years, for the great purpose of building up India to its promised position in the family of nations that we call the British Empire."

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# THE ALL INDIA TRADE UNION CONGRESS

CALCUTTA—4th. JULY 1931

Amidst cries of "Down with the Congress leaders", "Down with the Round Table Conference", and "Down with the Delhi Trucewallahs" by a section of the Delegates from Bombay, the eleventh session of the All India Trade Union Congress opened its proceedings in the Calcutta University Institute on the 4th. July 1931.

A feature of the session was the withdrawal of official reporters who were in possession of ten rupee tickets at the request of a prominent member of the Executive Committee of the Congress.

Messages of good wishes were read from several members of the House of Commons and of the Lords as well as certain British Trade Union leaders. These included Dr. P. Drummond Shiels, Mr. Fenner Brockway, Miss E. C. Wilkinson, Sir Ernest Bennet and Mr. Ben Turner.

Mr. S. Saklatwala in his message protested against the ban put upon him by the "so-called Labour Government" and attacked Gandhiji by saying that during his last visit to India, he tried his best to expose in its true light, "the treacherous role of Gandhi and his satellites masquerading as revolutionary leaders, but in reality seeking power, prestige, honour and admiration.

## Presidential Address

*Mr. Subhas Chandra Bose*, retiring President, presided over the session. In the course of his speech Mr. Bose said:—

I doubt if we can claim that, during the last eighteen months the Trade Union movement has gained in strength and in volume. I would rather be inclined to say that, during this period, the movement received a setback. Many factors account for this setback but in my humble opinion the two most important factors are— firstly, the split which occurred at Nagpur and secondly the diversion caused by the launching of the Civil Disobedience Movement. Some of our comrades may be disposed to think that the split did not weaken us; but I cannot share this view for I have no doubt in my own mind that for the time being, at least, we have been weakened by the split. I am therefore one of those who sincerely deplore the split and if it be possible for us to close up our ranks, I shall heartily welcome that event. So far as the second factor is concerned, I venture to think that the attention of the country as a whole was drawn away from the trade union movement owing to the superior attraction of the Civil Disobedience movement. Under different circumstances the Trade Union movement could have benefited by the civil disobedience movement and could have gained in strength as a result of it, but on this occasion the normal progress of the trade union movement has been impeded.

Attempts at unity within the ranks of the Trade Union movement have been made from time to time by various individuals and groups. I consider it desirable, therefore, to state clearly what the main problems are over which we quarrelled and how unity could best be achieved at this stage. The main issues are:

(1) The question of foreign affiliation. (2) Representation at Geneva. (3) Mandatory character of the Trade Union Congress resolutions.

With regard to the first issue, my personal view is that we need have no foreign affiliation now. The Indian Trade Union movement can well be left to take care of itself. We should be prepared to learn from every quarter and even to accept any help that may come from any part of the world. But we should not surrender to the dictates of either Amsterdam or Moscow. India will have to work out her own methods and adapt herself to her environment and to her own special needs.

With regard to representation at Geneva, I am afraid that too much importance has been given to it by both sides. The best course for us would be to have an open mind on the subject and come to a decision every year on this question. We need not decide beforehand once for all as to whether we should send any repre-

sentatives to Geneva or not. Personally, I have no faith in Geneva. Nevertheless if any friend will be satisfied by our keeping the question open for our decision every year, I have no objection to it.

With regard to the mandatory character of the Trade Union Congress resolutions, I am afraid there can hardly be any compromise, if the Trade Union Congress is to exist and function—if it is to work for the attainment of working class solidarity in the country—the resolutions of the Trade Union Congress are to be binding on all Unions affiliated to the Congress. To reduce the Trade Union Congress to the position and status of a loose federation or to something like an All-Parties Conference, would be suicidal.

With regard to the question of Trade Union unity, my position is quite clear. I want unity because thereby we may have a strong and powerful organisation. But if we are to quarrel again and part company, then we need not attempt a patch-up unity now. The Trade Union Congress is public property. All unions are welcome to join the Congress and make their presence felt. If thereby the office of the Congress passes into the hands of a particular party, then no one can legitimately complain, I would therefore earnestly invite all unions to join the Trade Union Congress and to capture the executive if they so desire.

Some of our workers feel very much concerned over the settlement arrived at between Mahatma Gandhi and Lord Irwin. I do not propose to launch into a criticism of the settlement because that would amount to something like a post mortem examination. The truce is an accomplished fact and we may ignore it at this stage. We can use our time and energy more profitably if we look to the future and try to prepare for it. The Trade Union Congress as a body did not have much to do with the Civil Disobedience movement last year. But it is open to it to take a larger share in the movement that is to come. In order to do that, preparations must begin from to-day.

The Karachi session of the Indian National Congress passed a resolution now popularly known as the Fundamental Rights resolution. Various opinions have been expressed with regard to that resolution. On the one hand some have roundly condemned it as altogether inadequate and unsatisfactory while others have waxed eloquent over it. Both these views appear to me to be one-sided. However unsatisfactory the resolution may be, there is no doubt that the resolution stands for a departure from the old tradition, for a recognition of some of the rights of the workers and peasants and for a definite move in the direction of socialism. The value of the resolution is, not in what it contains in an explicit form, but in what it contains in an implicit form. It is the potentiality of the resolution—rather than the actual contents of the resolution—which appeals to me. The contents of the resolution have to be amplified and improved before it can be altogether satisfactory. We are glad to note that a committee is already working for this purpose.

People in this country are at the moment awaiting the result of the Round Table Conference. I cannot persuade myself to believe that anything substantial will come out of the Conference in the present temper and mentality of the British Government. Further, the composition of the Round Table Conference is such as makes it exceedingly difficult to press home the popular point of view and the popular demands. When the result of the Conference is announced, it will then be time for the peoples to take such action as they think fit. That psychological moment should not be lost by the people when it does arrive.

At the Nagpur session of the Congress, the boycott of the Whitley Commission had been decided upon. That Commission have just issued their report. If I were to act like a logician, I should ignore that Report altogether but I shall not do that. Whether it be good, bad or indifferent, we should not ignore a document of that character which is now before the public and which the public are bound to take serious notice of and criticise. I should say at the very outset that the value of the report of a particular Commission lies not in what it contains on paper but in what will ultimately come out of it.

Will the expenditure over the Commission be justified for one thing—that is a question which even the man in the street will ask. We Indians have seen so much of the reports that only and unless some tangible good actually comes out of a particular Commission apart from the mere issuing of a report—we are inclined to be highly sceptical and suspicious about the results. I may even say that in the past the reports of some Commissions have met with wholesale con-



demnation owing to the failure of the Government to implement even the good points in those reports.

The present report has laid considerable emphasis on the problem of welfare work for labour and though I voted for the boycott of the Whitley Commission, I have no hesitation in saying that if the recommendations on this point are given effect to—there will be an improvement on the present position. Nevertheless I am constrained to say that some of the larger and more important questions have not been dealt with properly. Labour to-day wants the right to work. It is the duty of the State to provide employment for the citizens and where the State fails to perform this duty, it should accept the responsibility of maintaining them. In other words the worker-citizen cannot be at the mercy of the employer to be thrown out on the streets and made to starve at his sweet will. The industrial life of the country is to-day faced with a crisis owing to the application of axe. I am not unmindful of the difficulties of the employers. It is something impossible for them to maintain their old staff and they are forced to resort to retrenchment. But even in such cases the State cannot absolve itself of all responsibility. And the employer should be told that if in his brighter days he has made his pile with the help of his poor workers, he cannot leave them to their fate when adversity overtakes them. Until this problem of retrenchment is satisfactorily solved, there can be no industrial peace in this country.

Just as every worker can claim the right to work, he can also claim the right to a living wage. Does the factory worker in India get a living wage to-day? Look to the jute factories and to the textile mills. What enormous profits they have made in the past! What portion of these enormous profits did they spend for the welfare of the poor and oppressed workers? I know that they will say that of late they are in a bad way. But granting that proposition, may we not ask what profits they have made, what dividends they have declared and what reserves they piled up throughout their past history? I should not in this connection forget the Indian Railways either. They are now busy applying the axe. But those who are now resorting to drastic retrenchment have certainly some duty towards those who in the past enabled them to swell their profits and pile up their reserves. We can also refer to our tea planters. What are the profits that they have been making and how have they been treating their labour? Is it not a fact that in some areas at least the poor workers are still subjected to conditions which have much in common with the old institution of slavery? What then has then the Labour Commission recommended for securing to the Indian worker a living wage and decent treatment? They have referred to minimum wages in the jute and textile industry. But can we rest assured that the minimum wage means a living wage?

It is not necessary for me to enter into a detailed examination of the different recommendations made by the Whitley Commission. I shall refer, however, to only one small point which though apparently insignificant is of vital interest to the growth of the Trade Union movement in India. The report says that "Section 22 of the Trades Unions Act should be amended so as to provide that ordinarily not less than two-thirds of the officers of a registered Trade Union shall be actually engaged or employed in an industry with which the Union is concerned." The Commission should have known that in India outsiders or non-workers are usually elected as office bearers of Trade Unions because employees who agree to work as office-bearers are usually victimised by the employers on some flimsy pretext or other. Therefore, if employees are to be forced to become office-bearers themselves—there should be some arrangement for preventing their victimisation at the hands of their employers. Otherwise, if the present policy of victimisation continues, it will be impossible for the employees to become office-bearers.

To sum up, the major problems of unemployment, retrenchment and living wage for the workers—have not been handled properly. The ameliorative programme drawn up by the Commission is attractive in many places—but who is going to give effect to that programme? Can anything be expected from the present Government which is definitely anti-labour. The labour problem is, therefore ultimately a political problem. Until India wins her freedom and establishes a democratic—if not socialistic—Government, no ameliorative programme for the benefit of labour can be given effect to in this country. It is clear from the Report that everything is practically left to the Government. The report does not say anything as to how labour can capture or influence the governmental machinery. But till this is done, no amount of reports can actually benefit labour. The Commission should have

recommended adult franchise in connection with the new constitution. In addition to this or as an alternative the Commission could also have recommended a certain percentage of seats in the provincial and central legislatures to be reserved for the representatives of labour.

The trade union movement is destined to grow in strength and in volume in spite of the temporary setbacks that it may have received in the past. Various currents and cross currents of thought sometimes make trade union workers feel bewildered as to the path or the *modus operandi* they should follow. There is on the one hand the right wing who stand for a reformist programme above everything else. On the other side there are our communist friends who, if I have understood them aright, are close adherents and followers of Moscow. Whether we agree with the mentality or with the views of either group or not, we cannot fail to understand them. Between these two groups, stands another group which stands for socialism—for full-blooded socialism—but which desires that India should evolve her own form of socialism as well as her own methods. To this group I humbly claim to belong. I have no doubt in my own mind that the salvation of India, as of the world, depends on socialism. India should learn from and profit by the experience of other nations—but India should be able to evolve her own methods in keeping with her own needs and her own environment. In applying any theory to practice, you can never rule out geography or history. If you attempt it, you are bound to fail. I also think that India should evolve her own form of socialism. When the whole world is engaged in Socialistic experiments why should we not do the same thing? It may be that the form of Socialism which India will evolve will have something new and original about it which will be of benefit to the whole world.

#### SECOND DAY—5TH. JULY 1932

Unusual scenes were witnessed, on the 5th. July, during the second day's proceedings of the Congress, when about 200 left-wingers forced their entrance to the Executive Committee meeting of the Congress and created such a scene that Mr. Subhas Chandra Bose, who was presiding over the meeting, had to withdraw. Much heat was generated at the meeting over the question of the recognition of some trade unions. Left-wingers who mustered strong at the entrance to the hall, waited for some time. Suddenly a man from upstairs asked them to come up. "Redshirt" volunteers were pushed aside, and crying "Inquilab Zindabad" and "Mazdur Dalki Jai", the left-wingers forced their way upstairs, and created most disorderly scenes.

A censure motion against Mr. Subhas Bose was moved which was narrowly defeated by 26 to 24 votes. This caused further uproar, and effort made repeatedly by delegates on both sides to restore order were of no avail. Mr. Bose then withdrew with a number of delegates.

Immediately after Mr. Bose's retirement the situation became worse, Communist slogans and songs were sung freely. The volunteers were not present and people standing on chairs, were seen addressing one another, and crying for peace. It was sheer bedlam. The extreme section consisted chiefly of Bombay communists led by Mr. S. G. Deshpande.

#### THIRD DAY—6TH. JULY 1932

##### "Opposition" Group's Meeting

A meeting of the Executive Council of the Opposition Group which was held this morning in the Albert Institute, was dissolved owing to a large number of men, reported to have been armed with lathis, having rushed in. There was a difference of opinion between these men and the members of the Council over the legality of the holding of the meeting. On the refusal of the organisers to dissolve it, they were threatened and chased with lathies, with the result that the meeting broke up amidst uproar. Nobody was hurt.

### Left-wingers' Greetings to Soviet Russia

Resolutions greeting the Soviet Union for accomplishing its five years' plan, condemning the jute mill-owners for 'intimidating' millhands, boycotting the Geneva Labour Conference, condemning the Gandhi-Irwin Agreement, sympathising with the peasantry of Burma, U. P. and other provinces in its struggle, condemning the Whitley Commission, reaffirming the resolution passed at Jheria which declared the goal of the Congress as a Socialistic Workers' and Peasants' republic of India, and authorising the Executive Committee to elect delegates to the next session of the League against Imperialism and the Pan-Pacific Trade Union Congress Secretariat, were passed at a meeting held in the night in Metiabruz, a suburb of Calcutta, by the left-wingers of the Congress led by Mr. Deshpande and other Bombay Communists. About ten to twelve Unions, most of them not recognised by the Trade Union Congress Executive, were represented at the meeting which styled itself as "the open session of the Congress," and elected Mr. D. B. Kulkarni as President and Mr. S. V. Deshpande, Mr. Bunkim Mukherjee, and Mr. S. G. Sardesai as General Secretaries for the current year.

### FOURTH DAY—7TH. JULY 1932

### Adjourned Session Meeting

The adjourned session of the Congress was held this morning at the Town Hall under the presidency of Mr. Subhas Chandra Bose. Delegates from about thirty unions attended the Congress, which concluded after adopting about thirty resolutions.

At the outset the Congress adjourned for 15 minutes as a mark of respect to the memory of Dinesh Gupta, and a condolence resolution conveyed the sympathy of the Congress to the bereaved family.

The "inaction" of Mr. Deshpande, the outgoing General Secretary, was condemned and he was asked to submit the annual report and audited accounts to the new secretary within a month.

### Resolutions

The following among other resolutions were passed at the Congress to-day :—

"The Congress has heard with feelings of profound grief the sad news of the execution of Mr. Dinesh Gupta and begs to convey its sincerest condolences to the members of the bereaved family. Resolved further that as a mark of respect and honour to the deceased, the Congress do stand adjourned for 15 minutes."

### LATE MR. BAPTISTA

"This Congress places on record its sense of deep sorrow at the demise of Mr. Joseph Baptista, ex-President of the T. U. C. in carrying on the struggle for the emancipation of working class."

### DESHPANDE GROUP'S CONDUCT

"Taking into consideration the fact :—

(a) That Mr. Deshpande and his group since the Nagpur Session of the Trade Union Congress have done nothing to keep the T. U. C. in a normally functioning condition.

(b) That they have not cared to make any efforts to help the work of bringing about unity in the ranks of workers.

(c) That, they have, instead of helping the work of Session of the T. U. C. obstructed the work of the Executive Council for full three days, having gone to such extremes as to insult the President and other comrades, and to violate the constitution of the T. U. C. by calling a meeting of the Executive Council

which they have no right to call, by holding a mock session of the Congress at Matiabruj attended by representatives of unions many of which are bogus.

(d) That, they have avoided the responsibility of submitting the annual report and statement of accounts, and have resorted to obstructive tactics, so as to prevent the passing of a censure motion against them.

That the Congress strongly condemns the role played by Mr. Deshpande and his group during the whole of the last year and specially, their conduct in the meeting of the Executive Council of the T. U. C.

This Congress conveys its hearty thanks to all those in India and abroad who have offered their greetings to the T. U. C."

#### FRATERNAL GREETINGS

"This Congress sends its fraternal greetings to the workers of the world and to all the organisations of the working class fighting for the overthrow of imperialist dominations. This Congress expresses its sense of solidarity with the workers of the world in their fight against capitalist and imperialist exploitation."

#### FIVE YEAR PLAN IN RUSSIA

"This Congress conveys its heartiest congratulations to Soviet Russia in their attempt to bring about an uplift of the workers of Russia and wishes it complete success in the execution of the Five-year plan."

"This Congress condemns the action of the British Government in refusing passports to Messrs. Saklatvala and Gallacher for coming to India, particularly in connection with the 11th Session of the T. U. C."

#### REPORT AND ACCOUNT

"This Congress expresses its strong disapproval of the conduct of Mr. Deshpande, the outgoing General Secretary, in not submitting the Annual Report and the audited statement of accounts to the Executive Council in conformity with the usual practice and the constitution, and particularly in view of a resolution to this effect passed by the Executive Council at its meeting held in Calcutta on 6th June, 1931 and directs him to hand over all books of accounts, records, documents and other properties to the General Secretary elected at this Congress, within a month from this date. In the event of his failure to do so this Congress empowers the new General Secretary to take all necessary steps in the matter."

#### MEERUT PRISONERS

"This Congress strongly protesting against the imprisonment of working class leaders including the Meerut accused who have fought for the cause of the Indian working class, calls upon the workers to organise themselves with a view to effectively enforcing the demand for the withdrawal of the Meerut case and the unconditional release of other labour leaders."

#### FUNDAMENTAL RIGHTS

"Resolved that a sub-committee be formed with the following members to go into the question of fundamental rights and report its findings to the Executive Council within 2 months :

Messrs. V. H. Joshi, A. T. Thyab Sheikh, P. M. Naidu, J. N. Mitra, S. B. Kar."

#### UNITY

Resolved that :—"This Congress exhorts all trade unions in the country to explore all avenues for bringing about unity in the Trade Union movement and further authorises the following committee to co-operate with all trade union organisations in the country including the Bombay Unity Committee and lay down a common platform for the achievement of unity."

"This Congress also resolves that in working for unity, the committee do observe the following instruction :—

(1) No affiliation of the Trade Union Congress at present to any foreign organisation ;

(2) The question of sending delegates to the Geneva Conference to be kept open to be decided every year at the annual session of the Congress ;

(3) The decisions of the majority in the T. U. C. to be binding on all affiliated unions.

The committee to consist of (1) Messrs. Sheik Tayab, (2) Ruiker, (3) Mukund Lall (Convenor), (4) S. C. Bose, (5) W. V. R. Naidu."

#### NON-RECOGNITION OF UNIONS

"This Congress condemns in most unequivocal terms the policy of withdrawing or refusing recognition to the proper constituted Trade Unions by the employers, private as well as Governmental, and further invites all organisations interested in the working class movement to rally round the Trade Union Congress in forcing the hands of these employers to accord recognition to all such proper organised Trade Unions."

#### REVISION OF RULES

"This Congress appoints a committee consisting of Messrs. J. L. Ganguly, S. B. Kar, V. H. Joshi, R. S. Ruiker and S. Mukunda Lall, M. K. Ghosh (Convenor) with powers to revise the present constitution of the A. I. T. U. C. and make recommendations to the Executive Council for consideration at its next meeting."

#### FLAG SLOGANS AND BADGES

"That this Congress appoints a committee composed of Messrs. V. H. Joshi, A. Tayab Sheikh, G. L. Kandalkar, S. B. Kar, J. L. Ganguly, S. K. Pramanick, P. M. Naidu, P. M. Chaudhuri, W. V. R. Naidu and J. N. Mitra, to report within two months as to what flag, badge, slogans and songs should be adopted for the A. I. T. U. C'."

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# **Reports**

**OFFICIAL & NON-OFFICIAL**

**July—December 1931**

## REPORT OF THE ROYAL COMMISSION ON LABOUR

The report of the Whitley Commission, or better known as the Royal Commission on Labour was released for publication simultaneously in India and in London on the 1st. July 1931.

The Committee was appointed by a Parliamentary announcement on the 4th. July 1929 to enquire into and report on the existing conditions of labour in industrial undertakings and plantations in British India, on the health, efficiency and standard of living of the workers, and on the relations between the employers and the employed, and to make recommendations :

The Commission began its work in October 1929 and completed it by signing the report on 14th. March, 1931. The total cost estimated in connection with the Commission was Rs. 10,50,000.

The report is a document of 561 pages. The Commission examined 837 witnesses, held 128 public sittings and 71 private sessions. It is a wide survey of the industrial conditions of India including Burma. There were eleven members of the Commission excluding the Chairman. They were Mr. Srinivasa Sastri, Sir Victor Sassoon, Sir Ibrahim Rahimtoolla, Sir Alexander Murray, Messrs A. G. Clow, K. Ahmed, G. D. Birla, John Cliff, N. M. Joshi, D. Chamanlall, and Miss B. M. le Poer Power.

The report is unanimous except for a minute appended by Sir Victor Sassoon who thought that in certain matters the Commission had gone too far to the prejudice of the employers and that of another by Mr. K. Ahmed who added certain unimportant observations of his own on questions relating to seamen. The Commission attempted a reply to Sir Victor, but did not consider that Mr. Ahmed's observations required any answer. Sir Ibrahim could not sign the report, having been unable to work with the Commission after his appointment as President of the Legislative Assembly.

On the all-important question of wages, the Commission admitted that the figures so far obtained were appalling. As for Assam the Commission thought the conditions were different from those of the rest of India. The following are some of the important recommendations of the Commission :—

### Summary of Recommendations

#### TRANSPORT SERVICES

(a) For a period of 12 months no fresh continuous discharge certificates should be issued, unless the Shipping Master is satisfied that the recruit is required for employment and that suitable men are not already available;

(b) Thereafter continuous discharge certificates should be issued only to persons for whom posts are available and unnecessary recruiting should be discouraged;

Shipping Masters should be authorized forthwith to exclude from the register all seamen who have not been in employment for a period of three years and, to begin with, a seaman should be struck off the register automatically on the expiry of three years from his last discharge. The period of three years should be steadily reduced to 18 months, but the latter period may be altered, if necessary, in consultation with representatives of ship-owners and seamen.

(a) Shipping Masters should encourage seamen to use the provisions of the Indian Merchant Shipping Act relating to the allotment of wages;

(b) The shipping office should remit the amount of the allotment by money order;

(c) The maximum limit of allotment should be raised to two-thirds of the seamen's wages.

Consideration should be given to the provision in ports of welfare institutions for Indian seamen.

The Governments of Bengal and Burma should undertake an enquiry into the conditions of employment on inland steam vessels.

The practice of nominating a representative of labour on Port Trusts should be extended to all the major ports.

With a view to decasualization and to secure more equitable distribution of employment, a system of registration of dock labour should be introduced in each of the main ports, supervised and controlled by the port authority assisted by representatives of shipowners, stevedores and labourers.

Tramway companies should endeavour to restrict working hours to 54 a week and so to arrange the hours of duty as to compel the workers to take one day's rest in seven.

In granting licenses for motor buses, the authorities should consider whether in particular cases, a limitation on hours is required, and if so, how it can be enforced.

#### PUBLIC WORKS CONTRACTS

Public Works contracts should stipulate :—

- (a) The wages to be paid, and
- (b) A minimum age for employment not less than 12 years.

In regard to large construction works whether carried out departmentally or by contract :—

- (a) The Medical and Public Health Departments should be consulted beforehand
- (b) Rules should be framed as to housing, sanitation and medical treatment and facilities ;

- (c) The Medical Department should be responsible for the worker's health.

The possibilities of the wider application of departmental working should be considered by the Public Works Departments generally.

#### STANDARD WAGE

Every effort should be made to put into operation a policy of standardized wages in the Bombay cotton mills.

The Jute Industry in Bengal should take early steps to investigate the possibility of standardization of wage rates both for time and piece workers, associating with it representatives of "bona fide" trade unions.

#### FINES AND DEDUCTIONS

Legislation regarding deductions from wages and fines is necessary and desirable.

- (a) Fines—

- (i) The fining of children should be prohibited.
- (ii) The payment of the fine should not be spread over more than one month from the date on which it was imposed.
- (iii) The maximum amount deducted in fines should not exceed in any month half an anna in the rupee of the worker's earnings.
- (iv) The sums received from fines should be credited to a purpose beneficial to the employees as a scale and approved by some recognized authority.
- (v) Employees should be required to post notices specifying the acts or omissions in respect of which a fine may be imposed. Fines for acts or omissions not so specified should be made illegal.

#### SALE OF LIQUOR

- (a) In all large cities and industrial areas a general policy should be adopted of restricting the facilities for the sale of liquor.

- (b) The areas selected should be sufficiently wide to ensure the policy of restriction being effective.

- (c) The number of drink shops should be reduced.

- (d) Hours of opening should be limited, and should in no case include any part of the forenoon. Outside the stated hours the sale of liquor should be prohibited.

- (e) The possibility of an extension of the system by which spirituous liquor may not be supplied except in sealed bottles should be examined.

All railway administrations should make persistent efforts to help their workers by means of co-operative credit. A study should be made of the methods adopted on the Bombay Baroda and Central India Railway.

#### Payment of wages—

- (a) Legislation should be enacted providing for the payment of wages within 7 days from the expiry of the period in which they have been earned in the



ordinary case, and as early as possible but not later than 2 days from the date of discharge in the case of an operative who is discharged.

(b) The law should be applicable to factories, mines, railways, and plantations and should provide for possible extensions to other branches of industry.

India should have an Institute of Nutrition, as recommended by the Agricultural Commission, with a Director and sufficient number of qualified assistants. Publicity work should be part of its functions, propaganda material being prepared under supervision of the Director in consultation with provincial Public Health Departments.

Local authorities should construct sanitary markets in all urban and industrial areas.

Adulteration of Foods Acts should be in force in all provinces and local Governments should endeavour to make their provisions more widely applicable. Severe penalties should be provided and a clause regulating importation and sale of condensed skimmed milk should, if possible, be incorporated.

The provision of working class housing should be a statutory obligation on every Improvement Trust.

An improvement trust should be established for Howrah.

#### COMPENSATION

The Workmen's Compensation Act should now be extended to cover as completely as possible the workers in organized industry, whether their occupations are hazardous or not; and there should be a gradual extension to workers in less organized employment, beginning with those who are subject to most risk.

The following classes of workmen should now be included :—

(a) Workmen employed in factories using power and employing not less than 10 persons, and in factories not using power employing not less than 50 persons.

(b) Workmen in all mines except open quarries in which less than 50 persons are employed and no explosives are used.

(c) All workmen employed in docks.

(d) All workmen employed in work on oilfields.

(e) Seamen on Indian registered ships of not less than 50 tons and on all inland vessels propelled by steam or motor engines and persons employed on the more important public ferries not so propelled.

(f) Workmen employed on Government plantations and on tea, coffee or rubber plantations employing not less than 50 persons.

(g) Workmen employed in the operation of mechanically propelled vehicles which are maintained for the transport of passengers or for commercial purposes.

(h) Workmen engaged in the construction, maintenance or demolition of canals, sewers, public roads, tunnels, aerial ropeways and pipe lines, and of dams, embankments or excavations 20 or more feet in height, and of all permanent bridges.

(i) Workmen engaged in building work as in the existing clause, but the reference in this clause to industrial and commercial purposes should be omitted.

(j) Workmen employed in connection with the generation and distribution of electrical energy.

#### TRADE UNIONS

Every employers' organisation should set up a special committee for the purpose of giving continuous consideration to the improvement of the well-being and efficiency of the workers in establishments controlled by its members.

"Recognition" should mean that a union has the right to negotiate with the employer in respect of matters affecting either the common or individual interests of its members. The fact that a union consists only of a minority of employees or the existence of rival unions are not sufficient grounds for refusing recognition.

Government should take the lead, in the case of their industrial employees, in making recognition of unions easy and in encouraging them to secure registration.

Union leaders should endeavour to give as many members as possible some share in the work of the union.

(a) Trade Union organizers should endeavour to act as officials and should train them for the position.

(b) The training should commence before the selected man leaves his employment and he should be assisted to improve his general education.

The Trade Union Act should be re-examined in not more than three years' time ; all limitations imposed on the activities of registered unions and their officers and members should be reconsidered so as to ensure that the conditions attached to registration are not such as to prevent any well-conducted "bone fide" union from applying for registration.

All unions should be able to secure free of charge the conduct of their audit by official audits and investigations should be made available for the public as well as for the union.

Section 22 of the Trade Unions Act should be amended so as to provide that ordinarily not less than two-thirds of the officers of a registered trade union shall be actually engaged or employed in an industry with which the union is concerned.

A registered trade union should not be precluded from initiating and conducting co-operative credit or supply societies.

The Employers and Workmen (Disputes) Act of 1860 should be repealed.

#### JOINT MACHINERY

In many centres the organization of joint machinery would go far to develop a sense of responsibility in trade unions. The organization should include not only some joint committee or council within the individual establishment, but also a larger body of representatives of both sides of the industry in the centre concerned.

Some statutory machinery will be permanently required to deal with trade disputes and it will be necessary to consider the form which such machinery should take before the Trade Disputes Act expires in 1934.

No further legislation making a breach of contract of service criminal offence should be countenanced.

#### ASSAM RECRUITMENT

The power conferred by Section 3 of the Assam Labour and Emigration Act (Act VI of 1901) to prohibit recruitment for Assam in particular localities should be withdrawn immediately, and no barrier should be set up to prevent free movement of a labour from one part of India to another.

The Assam Labour and Emigration Act should be repealed and a new measure should be enacted in its place.

Where control is required, it should be exercised over the forwarding of recruits to the Assam plantations. All special restrictions on the agencies for obtaining recruits for Assam should be withdrawn.

The new Act should provide—

(a) that no assisted emigrant from controlled areas should be forwarded to the Assam tea gardens except through a depot maintained by the industry or by suitable groups of employers and approved by the local Government or by such authority as it may appoint

(b) that local agents should maintain registers of recruits in the prescribed form

(c) that minors unaccompanied by a parent or guardian should not be forwarded ; and

(d) that the depot and its registers should be open to inspection by officers appointed by the provincial Government for the purpose.

The Assam Labour Board should be abolished.

(a) The Government of India should appoint a Protector of Immigrants in Assam to look after the interests of emigrants from other provinces who have not yet settled in Assam. This officer should also be entrusted with responsibility for emigrants during the journey.

(b) The cost of the Protector of Immigrants and his staff should be defrayed by a cess on emigrants.

(a) The tea industry should give publicity to the advantages which the plantations have to offer to the inhabitants of other provinces.

(b) The emigrant should be encouraged to maintain touch with his own people by means of correspondence.

Repatriation :

(a) Every future assisted emigrant to an Assam tea garden, whether from an area of free or controlled recruiting should have the right after the first three years to be repatriated at his employer's expense.

(b) The Protector of Immigrants and the planters in consultation should consider the machinery necessary to make the right of repatriation effective.

(c) In the case of the worker who transfers his services to another garden before the three years have expired, the cost of repatriation should fall on the employer by whom he was last engaged. A worker transferring his services to an employer outside the tea industry should thereby be considered to have surrendered the right to repatriation.

(d) The Protector should be empowered to repatriate a garden worker, at the expense of his employer, within one year of his arrival in Assam if this is necessary on the ground of health, the unsuitability of the work to his capacity, unjust treatment by the employer or for other sufficient reason, and at any time before the expiry of three years if he is satisfied that the immigrant is unable with due diligence to secure a normal wage and desires to be repatriated.

(e) A worker dismissed before the expiry of the three years should be entitled to repatriation at the expense of the employer dismissing him, unless it is established that the dismissal was due to wilful misconduct.

(f) In case of physical assault by an employer or his agent, in addition to any other penalty which may be provided by law, the magistrate should be empowered to order the repatriation of the worker at the expense of the employer.

#### TEA GARDENS

Wage-fixing machinery in the Assam plantations :—

(a) The establishment of statutory wage-fixing machinery in the Assam plantations, if practicable, is desirable, and there are reasons for believing that, if proper methods are adopted, a practicable scheme can be devised.

(b) Before legislation is undertaken an enquiry should be instituted as to the most suitable form of machinery, the actual rates paid and the variations in these rates between district and district and between garden and garden. The tea industry should be invited to co-operate in this inquiry.

In the Doors, Wages should invariably be paid direct to the worker and not through the Sardar.

The employment, either directly or with their parents, of children before the age of 10 years should be prohibited by law. The names of all employed children should be entered in the wage-book and in the case of children not born on a plantation and therefore without a registered birth certificate, the Garden department should be required to determine the age before the child is allowed to start work.

(a) The Director of Public Health, his assistant and the district health officers should be ex-officio inspectors of plantations.

(b) As soon as a complete health service comes into being in Assam and Bengal the inspecting powers of Civil Surgeons should be transferred to the officers of the Health Department.

A Board of Health and Welfare should be established under statute for convenient planting areas.

A labour bureau on a scale not smaller than that represented by the Bombay Labour Office should be established in Bengal.

(a) A Labour Commissioner responsible for the administration of all labour subjects should be appointed in every province except Assam.

(b) He should be a selected officer and should hold the appointment for a comparatively long period.

(c) He should be responsible for the publication of labour statistics, should have the right to enter all industrial establishments, should be generally accessible both to employers and labour and should act as a conciliation officer.

(d) The headquarters of the Labour Commissioner should be in the chief industrial centre of the province.

(e) In provinces where part-time appointments have to be made, a combination of the functions of the Director of Industries and of the Labour Commissioner should be avoided.

A Labour Commissioner should be appointed for the Central Government.

#### THE NEW CONSTITUTION.

##### Industrial Council.

(a) In the frame-work of the future constitution, provision should be made for an organization (the Industrial Council), which would enable representatives of employees of labour and of Governments to meet regularly in conference to discuss labour measures and labour policy.

The Council should be sufficiently representative but not too large. The representatives of labour should be elected by registered trade unions, and where there are no registered trade unions of any size they should be nominated by Government. The employers' representatives should also be elected by associations of employers, whose voting powers should be approximately proportionate to the number of workers which their members employ.

(c) The Council should meet annually and its president should be elected at each annual session. The secretary of the Council should be a permanent official responsible to it for the current business throughout the year.

(d) Functions of the Council.

(i) to examine proposals for labour legislation referred to it and also to initiate such proposals.

(ii) to promote a spirit of co-operation and understanding among those concerned with about policy, and to provide an opportunity for an interchange of information regarding experiments in labour matters.

(iii) to advise the Central and provincial Governments on the framing of rules and regulations.

(iv) to advise regarding the collection of labour statistics and the co-ordination and development of economic research.

#### LABOUR LEGISLATION

If labour legislation is Central the authority finally responsible for such legislation must be the Central Legislature. If labour legislation is to be decentralized, some co-ordinating body will be necessary. The decisions of the Council could not be given mandatory power, but in certain circumstances it might be made obligatory for provincial Governments within a specified time to submit proposals for legislation to their respective legislatures for a decision as to their adoption or rejection.

In the present circumstances, the aim should be to maintain the factory worker's life in the village and, as far as possible, to regularise it.

ii.

#### THE EMPLOYMENT OF THE FACTORY WORKER

Workers should be excluded from the engagement and dismissal of labour. Wherever the scale of the factory permits it, a labour officer should be appointed directly under the General Manager. His main functions should be in regard to engagements, dismissals and discharge. Employers' associations in co-operation with trade unions should adopt a common policy to stamp out bribery. Workers should be encouraged to apply for definite periods of leave and should go with a promise that on their return at the proper time they will be able to resume their old work. Wherever possible, an allowance should be given to the worker who goes on leave after approved service.

The education of the industrial worker should receive special attention, but in preference to concentrating on the education of half-timers, employers should try to develop the education of their workers' children in their factory schools. In applying compulsory education, (a) municipalities should have regard to the special claims of wards inhabited by mill-workers; (b) it is desirable that the upper age-limit should be brought up to at least 12 years; and (c) employers might assist by lending buildings by equipping schools and in other ways.

Any comprehensive scheme for reducing staff is contemplated in an industrial introduction of a joint scheme of unemployment insurance, e.g. the one outlined by the Fawcett Committee of 1928-29, should be considered. Government should examine the possibilities of making preparations to deal with unemployment when it arises, and of taking action where it is now required, on the lines of the system devised to deal with famine in rural areas.

#### HOURS IN FACTORIES

The weekly limit of hours for perennial factories should be reduced to 54 and the limit to 50. Factories working on continuous processes or supplying daily necessities may be allowed a 56 hour week subject to an average week of 54 hours and in conformity with the provisions in respect of holidays.

The statutory intervals should ordinarily amount to not less than an hour in the week. Spread over (a) for individual adults, should not exceed 12 hours; (b)

for men : this need not be limited to the calendar day and may be subject to exemptions in the interests of the workers and acceptable to them ; (c) for women, no exemptions should be permissible and the rest period should include the hours between 10 P.M. and 5 A.M. ; and (d) for children : should not exceed  $7\frac{1}{2}$  hours and the rest period should include the hours from 7 P.M. to 5-30 A.M.

Special and continuous attention should be given by the Government of Bengal and its officers to the evil arising out of the double employment of children. The maximum daily hours for children should be limited to 5. Employers should arrange to give children at least one rest interval. Persons between the ages of 15 and 16 years should not be employed as adults without a medical certificate of physical fitness. Their employment should be prohibited when women cannot be employed. The minimum rate for overtime should be  $1\frac{1}{4}$  times the normal rate where works exceeds 54 hours and should be  $1\frac{1}{2}$  times the normal rate for work in excess of 60 hours a week.

Where weekly rest days cannot be given, two rest days should be required at the end of the fortnight or failing this either a continuous period of rest of 24 hours once a week or of 48 hours once fortnight. A week of 60 hours should be a limit to be exceeded only in most exceptional circumstances.

#### WORKING CONDITIONS IN FACTORIES

Rules under Section 37 of the Factories Act requiring factories to be annually should be made, where they don't exist, and strictly enforced in all

Every factory should be compelled to maintain separate and sufficient accommodation for males and females and adequate staff to keep them clean.

Rigorous actions should be taken against those factories where conditions regard to humidifications are worst. Advance might be made along the lines Safety First movement in all branches of industry. The provision of water places for washing should be obligatory for workers in dirty processes.

Subordination of Inspectors of Factories to Directors of Industries is undesirable. A Chief Inspector should not be required to submit to another authority for individual prosecutions. Women Factory Inspectors are desirable in Province. Women Inspectors should be of Indian domicile and not less than 25 years of age, and their pay should be adequate to attract the right type. Commissions of Chief Inspectors from all provinces should be held biennially under the auspices of the Central Government. Conferences of all grades of factory Inspectors and of as many ex-officio Inspectors as possible should be held at intervals of about two years in the different provinces.

More use should be made of appeal to High Court against inadequate sentences for infringements of the Act. The law should be amended (i) to make it possible to adduce evidence of previous convictions under the Act, after conviction and before sentence ; (ii) to provide for minimum fines for second and subsequent offences. Chief Inspectors in all cases and other factory Inspectors when authorised by the Local Government should be empowered by law to act as prosecutors.

#### UNREGISTERED FACTORIES

In the case of factories using power and employing less than 20 but not less than 10 persons, only the following sections of the Factories Act should apply automatically :—Section 5, Chapter III (excluding sections 12 and 15), section 37 and the appropriate parts of Chapter VIII with section 50. Local Governments should retain the power of applying the whole Act by notification, and should be given power to apply selected sections to any such factory.

The "number employed" for this purpose should be the aggregate number employed for any part of the 24 hours.

A separate Act, brief and simple, should be passed to apply to factories, without power machinery, employing 50 or more persons during any part of the year. The starting age for children under this Act should be 10 years in the matter of hours and should be confined to children between 10 and 14 years. Hours of children should fall within limits to be specified by local Governments, but in no case should the working hours exceed seven, nor should they fall outside a period of nine hours, with a rest interval of at least one hour. The over-riding maxima should be embodied in the Act. No child who has been employed full time in a factory should be allowed to work overtime or to take work home after factory hour.

The expediency of penalising the giving of advances to secure the labour of children and the execution of bonds pledging such labour of a person under 15 years executed for or on account of any consideration should be void.

Every factory not using power should be entirely closed on one day of the week to be specified beforehand by the local Government. A time limit of five years should be put on the Act at the expiry of which Government should be prepared to make a further advance. The policy of gradualness which underlies the proposals made for legislation should also influence its enforcement.

#### MINES

In the manganese mines in the Central Provinces, steps should be taken to apprise the workers of the repeal of the Work-men's Breach of Contract Act. At Khehra engagement of fresh women workers should be discontinued and at Namtu and Bawdwin a labour officer should be appointed and should direct his attention to the formation of works committees. In the oilfields statutory regulation of rest days, hours, health and safety should be undertaken. Government should consider whether this can be achieved by the application of appropriate sections of the Mines Act or by separate legislation. A separate Inspector of Mines and Oilfields for Burma should be appointed. The coal industry should aim at eliminating re-  
costs.

A labour Officer should be appointed in each important mine. Managements should arrange for wages not to be paid on a rest day; failing such arrangement should prohibit the practice. As recommended by the Select Committee on the Amending Act of 1928, the hours of work underground should be reduced when that Act has been in operation for 3 years. Weekly hours above 54 should be limited to 54. No child under the age of 14 years should be employed to work in or about the mines.

All accidents should be reported weekly to Chief Inspector through District Inspectors. The needs of the inspectorate in consequence of new legislation should be fully and sympathetic consideration.

Compulsory primary education should be introduced in the coalfields. The Government and the Punjab Government should co-operate with a view to the introduction of compulsory education in the Salt Range.

#### RAILWAYS

Registers should be kept of all workers appointed to the engineering department, appointments and dismissals being reported for entry. The registers should be examined regularly by administrative and personal officers. Sons add near relations of railway servants have a special claim to enter the service and wherever possible facilities for suitable education and training should be afforded them. In mechanical workshops the system of recruitment through labour bureau is capable of development and together with the system of selection boards or committees would go far to remove grounds of complaint of favouritism and bribery in regard to recruitment and promotion.

Workers required, after confirmation, to undergo a further medical examination should have the right to be examined, if they desire, by an independent specialist. Should a worker be adjudged medically unfit for a particular post, every effort should be made to find him other work.

In regard to racial discrimination, definite steps should now be taken which will lead in a specified term of years to the progressive elimination of any form of discrimination as regards both appointments and promotions to all grades and classes.

The whole subject of the leave rules should continue to be examined in consultation with representatives of the workers. The Administration should endeavour to maintain leave reserves adequate to meet requirements spread over the year. The claims of low-paid workers to improve wage standards should continue to receive careful consideration from the Railway Board and the Administrations. After 12 months' continuous service, all employees should be monthly rated and as soon as possible made eligible for all service privileges which that carries.

On completion of one year's continuous service, all employees should be eligible to join a provident fund, membership being optional for those drawing Rs. 20 or over per mensem. The limitation on the grant of retiring gratuity to subordinates retiring after 15 years' qualifying service should be modified to permit of voluntary withdrawal from the service subject only to adequate notice.

The weekly rest of not less than 24 hours provided under the Act of 1930 should be granted subject to the usual emergency exceptions to all continuous workers as soon as necessary arrangements can be made. Special efforts should be made to put into operation as soon as possible the regulation devised to give effect to the Washington and Geneva Conventions in the case of railway employees. The Railway Board should reconsider the practicability of reducing the hours for intermittent workers and of giving days of absence at reasonable intervals where weekly rest days cannot be given.

All classes of workers should enter into a simple service agreement providing for:—(a) Probationary period of 12 months, (b) Confirmation after 12 months' approved continuous service, (c) Confirmed service to be terminable on one month's notice, (d) A declaration that service is liable to termination in any of six specified circumstances. The power of terminating service should reside solely in the district or divisional officers or officers superior to them. A confirmed employee charged—(a) with an offence which if proved may involve dismissal or discharge should be given a charge sheet, returnable with his explanation within 7 days; (b) The competent officer (district, divisional or superior officer) may make enquiry and, if the case is to proceed, may summon the employee before him; (c) The employee should be entitled to be accompanied by the representative of an accredited trade union of which he is a member or by a fellow workman. (d) Time limits for disposal should be fixed and the power to suspend should remain. (e) Men overstaying leave or absent without leave except in a genuine case of sickness should be presumed to have left the service and to have forfeited the right of appeal, subject to the discretion of the competent officer.

Appeal against discharge or dismissal should lie to the head of the department or Divisional Superintendent with final appeal to the Agent except where dismissal involves loss of provident fund bonus when further appeal should lie to the Railway Board. Facilities for representation on appeal should be the same as at the first hearing. The time limit for further appeal should be one month from the time a decision is notified; within this time no appeal should be withheld.

Proper records of disciplinary action should be kept, and watched by personnel officers. Discharge on reduction of establishment should be differentiated from disciplinary or inefficiency cases. Other things being equal, the principle of seniority should apply. Registers of discharged men should be kept. Where more than 100 men are affected, recognised trade unions should be informed as early as possible and reasons given. Proper leave records should be kept. Records should be kept of temporary service where practicable with a view to priority for permanent employment.

A more generous policy in respect of recognition of trade unions is desirable. A stage has been reached in the development of some unions where facilities might with advantage be conceded. Joint Standing Machinery should be established.

(a) A Joint Standing Central Board, containing representatives of the Agents and workers in equal proportions elected by the Indian Railway Conference Association and the All-India Railwaymen's Federation respectively charged with the consideration and, when possible, settlement of—

- (i) general question common to all railways.
- (ii) matters common to one or more grades where agreement has not been reached in Railway Councils, which would come up automatically, and
- (iii) references from Railway Councils.

Where a dispute is apprehended and cannot be settled on the Railway Council it should be referred automatically, it being agreed that no stoppage shall take place meanwhile.

(b) Failing agreement on the Joint Standing Central Board, if either party desires, the dispute should be referred to a Tribunal of five representatives from either side of the Board and five persons from outside.

(c) Each railway should have a Railway Council working in conjunction with divisional or district and local or works committees. All workers should be eligible for election but where there is a recognised union, works' representatives on committees should be entitled to assistance from an officer of the union. On Railway Councils the union should be consulted as to constitution and direct representation of the union; failing agreement the Central Board should advise. Departmental labour should be substituted for contract labour wherever practicable. The functions of local and sanitary committees should extend to welfare work and, whenever possible, each committee should include a proportion of elected representatives.

## REPORT OF THE INDIAN CENTRAL BANKING ENQUIRY COMMITTEE

The report of the Indian Central Banking Enquiry Committee was published in Simla on the 15th. September 1931. The report is divided into two parts. The first part contains majority report of foreign banking experts, dissenting minutes of Messrs. Ramdas Panthulu and N. R. Sarkar and six other members headed by Sir Purshottamdas Thakurdas and also summary of recommendations of 10 provincial committees.

The second part which is half size of first part is the sole production of Mr. Manu Subedar who has found himself differing from his 20 colleagues, both in regard to the nature of the problem and the measures to be taken.

The committee was appointed in response to demand of both European and Indian commercial opinion in India. It was presided over by Sir Bhupendra Nath Mitra with Sir Purshottamdas Thakurdas as Vice-Chairman. Of the 21 members four were Europeans.

The report is a most unanimous except in regard to foreign exchange banks. The total cost of the enquiry was Rs. 12½ lakhs of which the Central Committee's share of expenditure was Rs. 6 lakhs.

The Committee in their introductory observations point out: "Although it was felt by some of us that a good banking system should function independently of the form of constitution, we all felt nevertheless the necessity at many points of enquiry of knowing what the future constitution of India was going to be. In our discussions might proceed on the basis of a common angle of vision we agree that the fundamental basis for making our recommendations should be the representations of the provinces and Central Government would be wholly in the hands of Ministers fully responsible to their respective legislatures. It should be clearly understood that all our recommendations are based on this fundamental assumption."

Foreign experts in a short note bring out points of difference between themselves and the Central Committee. There are only two essential points of difference. The first point relates to the establishment of provincial industrial corporations proposed by the Central Committee. The experts consider this scheme as unsound and suggest restriction to pioneer enterprises of non-competitive character. The Central Committee on the other hand prefer to be guided in this matter by the conclusions of the Industrial Commission and consider that the interests of the taxpayer would be effectively safeguarded by provincial governments, responsive as they will be in the near future to elected representatives of the taxpayers.

The second point of difference relates to question of financing of Indian foreign trade. While the foreign experts say that they cannot concern themselves with ambitions or desires of a political or nationalist character, the Central Committee feel that they should be failing in their duty if they also do not give due consideration to wider economic interest of Indian opinion. This essential difference accounts for experts not advocating any Government assistance to a new Indian Exchange Bank in any circumstances. The Committee are, however, convinced that if attempts to obtain whole of share capital of new bank from Indian joint stock banks do not prove successful, the State should provide balance of capital and that it will be in the best interests of economic advancement of the country.

### Majority Recommendations

The following are among the principal recommendations of the majority of the Committee:—

In order to provide Government with the information it requires to pursue a progressive and constructive agricultural policy, a Provincial Board of Economic Enquiry should be established in each province.

Attempts to relieve prior indebtedness may be usefully made in localities where co-operative land mortgage banks exist and the further establishment of these banks should be encouraged where there is reasonable prospect of their successful working having regard to all the local conditions.



To satisfy the credit requirements of the large class of agriculturists who are outside the co-operative movement and to provide substantial loans to big landlords, Provincial Land Mortgage Corporations on a joint-stock basis or on the model of the English Land Mortgage Corporation are necessary.

A scheme of debt conciliation on a voluntary basis is recommended for the consideration of local Governments.

The case for a simple Rural Insolvency Act should be considered in every province. Certain special provisions in the Act are also suggested.

#### DEBTS LEGISLATION

The Governments concerned should also explore the possibility and desirability of undertaking other legislation to secure the settlement of debts on a compulsory basis.

The Punjab Regulation of Accounts Act (1930) is commended to the other provincial Governments for consideration.

Such indigenous bankers as are engaged in banking proper or are prepared to shed their business other than banking should be eligible to be placed on the approved list of the Reserve Bank in the same manner as joint-stock banks. The Reserve Bank should prescribe a standard which indigenous bankers must satisfy before they can be given the concession recommended.

The Co-operative Societies Act should be amended so as to provide for the registration of societies of an All-India character or societies operating in more than one province.

In order to popularize the co-operative movement and to promote a sense of possibility among the members of the society, the official control that now exists in certain provinces should be slackened.

The development of well organized joint-stock land mortgage banks for the fit of the numerous classes of landowners who cannot be adequately served by co-operative credit organizations is recommended.

If a provincial Government in the discharge of its responsibility for the development of industries within its territories finds it necessary to ensure the supply of financial facilities to industrial concerns a provincial Industrial Corporation with branches, if necessary, should be established.

#### HELP TO INDUSTRIES

The advisability of giving assistance to any particular industrial concern should depend on the extent to which the enterprise will be of benefit to the public and will add to the productive power of the province and provide employment for its people.

The Provincial Industrial Corporation should obtain its share capital as far as possible from the public, Government taking such portion as cannot be raised by public subscription.

The enactment of provincial legislation on the lines of the Madras State Aid to Industries Act to provide credit facilities to new and nascent industries or industries newly introduced into an area or cottage industries is recommended.

All non-Indian banks wishing to do banking business in India should be required to take out a licence from the Reserve Bank. Licences should be freely granted to banks already established. Every licence should be in force for a stated period and should be automatically renewed if the licensing authority is satisfied that the provisions of the Indian law applicable to the banks and other conditions specified in the licence are complied with.

The conditions of the licence should be the following—

(1) Furnishing to the Reserve Bank annual statements showing their assets and liabilities relating to the Indian business as prescribed by the Reserve Bank from time to time.

(2) Submission for a few years to come at any rate, to some prescribed authority in India, preferably the Reserve Bank periodical reports of Indian and non-Indian business handled by them.

(3) Other conditions imposed on basis of reciprocity.

#### RESERVE BANK

On the establishment of the Reserve Bank and the simultaneous withdrawal of the restrictions now imposed on the transactions of foreign exchange business of

the Imperial Bank of India, the latter should be induced to take an active share in the financing of India's foreign trade. For this purpose a definite arrangement between the Reserve Bank and the Imperial Bank for a period of five years or such other period as the Reserve Bank may consider desirable for utilizing the Imperial Bank as agents of the Reserve Bank on terms to be settled between the two banks is recommended.

If the Reserve Banks finds it impossible to arrive at a satisfactory settlement with the Imperial Bank of India or finds that within the stipulated period the Imperial Bank is unable to participate actively in the financing of India's foreign trade the establishment of an exchange Bank is recommended.

It is on the whole desirable that the Imperial Bank of India should continue to be governed by a special charter with suitable amendments.

### Minutes of Dissent

A short Minute of Dissent is submitted by Mr. V. Ramdas Pantulu on "The Imperial Banking system; and a longer one is added by Mr. Nalini Ranjan Sarkar on the financing of industries and foreign trade. A third Minute of Dissent submitted on the question of financing foreign trade by as many as six members, viz. Lushotamdas Thakurdas, D. P. Khaitan, Mukhtar Singh, V. Ramdas Pantulu, E. K. Ramakham Chetty and M. Jamal Mahomed. In the course of this note the dissenting members state:—

Our colleagues' conclusion is that 'speaking from the point of view of trade alone it may be said that the facilities available at present for financing India's foreign trade, both imports and exports, are sufficient.' We disagree with this statement. According to them the interests of trade alone do not require the immediate establishment of Indian Exchange Bank, strong enough to compete constantly with foreign banks. We disagree with this solution too.

They however mention that after a careful review of certain representations made to the Committee, they have come to consider that it is not desirable that India should rely for all time on the facilities afforded by non-Indian institutions for the financing of foreign trade.

### FINANCING FOREIGN TRADE

Reasoning thus our colleagues propose that after the starting of the Reserve Bank for India the Imperial Bank should be "induced" to take an active share in the financing of India's foreign trade. With the terms to be offered to the Imperial Bank and the restrictions to be placed on it in connection with such work, we are not immediately concerned here. Our main difference with our colleagues is on the diagnosis of India's complaint regarding finance of her foreign trade till now. We view the grievance of India in this connection more seriously, and, our proposals for remedying the same are therefore more definite, and of a more urgent nature.

We fail to see how from the "point of view of trade alone" it can be said that the facilities available at present for financing India's foreign trade are sufficient if colleagues mean that India's foreign trade has not come to a standstill at any time yet for want of financial facilities. One may at least pause to consider before challenging the statement. But every Indian commercial body that has appeared before the Committee has complained that in the matter of providing financial facilities for import and export trade, the Exchange Banks have, generally speaking, been differentiating between national and non-national exporters and importers.

### ALL'S NOT WELL.

Our diagnosis therefore is (1) that all is not well with the foreign trade of India, particularly with reference to the benefit from it to the nationals, and (2) that the absence of adequate banking facilities for this purpose as supplied by the Exchange Banks has militated against India acquiring their due share in this trade, and the loss to the country as a whole by this handicap to the commercial community is enormous. On purely practical and financial grounds alone, without sentiment being allowed to weigh the scales, we are of the opinion that our colleagues have erred in their conclusions in this behalf.

We suggest that as a first step in the direction of getting Indians their legitimate

share in the finance of foreign trade, the State should start forthwith an Exchange Bank with a capital of three crores of rupees, all to be taken up by the State. This Bank should be allowed to do financing of export and import trade in the same manner as any Exchange Bank. It would receive deposits, and lend money of produce awaiting export, of imports awaiting distribution. The staff employed by such a Bank should be Indian, except where the Finance Minister of Government may be advised that it is necessary to have the services of a non-national from abroad for a few years in the beginning.

#### MR. SUBEDAR'S RECOMMENDATIONS

Mr. Manu Subedar who was appointed on the Committee as an Indian Economist submitted a bulky Minority Report which extended to nearly 500 pages. Referring to the need for a separate report and two "unprecedented" features of procedure followed by the Committee, Mr. Subedar says :—

It was with much hesitation and many regrets, that I came to the decision, almost at the conclusion of the Committee's work to write a separate report. At a certain stage, I found myself differing from my colleagues with regard to the nature of the problem, the extent and avenues of information bearing on it, and the measures which it would be in the interests of India to adopt. I did not feel competent that a closer discussion would lead to a coalescence, even if there had been opportunities for such discussion. Under the circumstances I felt that it would secure public advantage, if both the problem and the lines of progress contemplated, stated separately to enable those, who would have to make public decisions, or subjects, to choose for themselves.

#### EXPERTS

Mention is called for with regard to two outstanding features of procedure associated with our enquiry,—features, which were unprecedented and about the nature of which, there would be legitimate public curiosity. The first unusual feature with regard to our Committee was the association of foreign "experts". The word "experts" in inverted comma throughout this report, so that its application may be confined to whatever it was intended to be by Government, their communique to us announcing, that foreign "experts" would be associated with our enquiry, that they would examine all material, consult with us, examine our conclusions and have the right to make a separate report. I wish it to be understood that no reflection is intended or involved on the gentlemen, who came and who discharged their duties to the best of their light. I am only explaining that the procedure was novel and unprecedented. They were not members. They were not advisers; else they would not have claimed or been given a right to make a separate report. Personally, I would not be honest with myself, if I did not indicate that I derived no help from them. On the contrary, on many occasions the manner, in which these gentlemen expressed themselves became a matter of puzzle and mystery to me. That there were fundamental differences, both of outlook and method between them and myself, would be indicated at various places in the body of the report.

#### PROVINCIAL COMMITTEES.

The next unusual feature was the appointment of the Provincial Committees, who examined the details relating to a part of the total enquiry, without any direct link with the Central Committee. It is true that a model questionnaire was given to them, but this was before the Central Committee had discussed among themselves, or envisaged the problem. It is true that their reports were available to us. But the written word cannot always convey the impressions formed and the impressions formed by others cannot always be arranged in thought perspective in a satisfactory manner. There are obvious difficulties in drawing general conclusions where the terms may not have had the same meaning in the minds of different Committees, who in their turn were faced with an overwhelming variety of statements by witnesses not used to technically well-defined description. It is a pity that the Provincial Committees were held down to a rigid limitation of time in preparing their report. Nevertheless the brilliance of some of the reports and the very hard work, which must have been put in by many people in connection with them,

in the systematic presentation of facts hitherto unsifted, reflects the highest credit on the Provincial Committees.

#### NATIONAL NEEDS.

The terms of reference require the "development of banking"—an expression, that has been interpreted by the foreign "experts" as meaning the growth of banking in the geographical area known as India. It is only on such an interpretation that the European view with regard to adequacy of facilities and remarkable advance during the last few years is based. It is on this basis, again, that the general advice to leave matters to natural evolution and to interfere as little as possible is derived. Such an interpretation can be understood, but is wholly unacceptable. The problem, to my mind, is twofold. On the one hand, there is the unprecedented phenomena of the foreign control of banking resources in India, of such control growing and strengthening in many directions and menacing Indian institutions. There is on the other hand the question of necessary readjustments inside the country to secure orderly advance and to secure considerable advance, which has to be made before Indian conditions could at all compare with other countries in the matter of the provision of banking facilities. Different remedies are clearly indicated with regard to these two matters. Those, who are content with existing arrangements, have necessarily a smug satisfaction. I have felt that, where the deterioration is great, the remedies employed have also got to be heroic and yet I have kept myself within the bounds of great moderation with regard to the measures suggested, particularly for the first problem.

### Mr. Subedar's Recommendations

The following are the principal recommendations of Mr. Subedar :-

National policy is needed for building up Indian banking, not only for releasing this country from dependence on foreign institutions, but for retaining profits and experience in India. Unless the atmosphere is improved, Indian enterprise in banking cannot prosper.

On considerations of pure finance many measures which were taken by Government in this country, would have been condemned, but such considerations alone cannot determine policies, in which immediate good is sacrificed for ultimate good and private interests are subordinated to larger interests of the community.

Financial help to the agriculturist in any shape or form could only bear fruit, when there is an agricultural policy, the aim of which is to spread education, improve the general conditions and status of the actual cultivators, and relieve him from burdens or hardships by suitable changes in law and administration.

The figure of rural indebtedness in British India has been estimated by the Provincial Committees at Rs. 876 crores. The Provincial Committees themselves have expressed doubts as to the reliability of the results secured and figure appears to be understated.

The supply of capital in agricultural districts is inadequate. Inadequacy is demonstrated by the rates, which are charged for loans. The Agricultural Loans and Land Improvements Acts, while indicating Government's recognition of the obligation towards the agriculturists and doing good to those, who come under their operation, are not calculated to cover the field, or obviate the need for new measures.

Funds for mortgage credit should be raised by debentures, but it would not be easy for private enterprise to do so unaided.

It is recommended that guarantee by Government should be given with regard to principal and interest, but the risk of loss to public funds would have to be reduced to a minimum.

In order to work the scheme on a sufficiently large scale and to safeguard the interests of Government, who guarantee debentures, a land mortgage department would have to be instituted in connection with the Reserve Bank.

Only a small fringe of the rural population have come within the scope of the co-operative movement, which cannot be expected, within the next ten years to embrace even half the rural population. Other measures for the benefit of those who are outside the movement, are therefore, imperative.

The co-operative movement has not supplanted the money-lender. Debts to the Mahajan are in some cases greater than the debts to the society.

It would be desirable to establish a separate department of the Reserve Bank to deal with the co-operative movement, to keep the necessary information and to meet their requirements. There will be an official in such department to watch the movement and point out its weakness from the economic and strictly banking point of view.

Banking facilities in India must be considered inadequate in view of the fact, that there are 659 branches in India against 13,100 in the United Kingdom, one for every 440,000 persons in India as against one for every 3,500 persons in the United Kingdom.

The causes preventing the growth of banks in India are to be found in smaller use of cheques and less acquaintance with credit instruments generally, hoarding, and direct deposits by parties with firms and companies. There is also the deterrent effect of failures, but foreign critics are prone to exaggerate the instability of Indian banking and the danger to depositors in Indian Banks. Unfamiliarity with joint stock organisation is also an obstacle. The attitude of Government and public authorities has not always been sympathetic and helpful towards Indian banks. The growth of foreign institutions in the country has circumscribed the growth for Indian banks, and their competition has been growing. The limited amount of trade in Indian hands and the setback received by Indian traders of late, limits the clientele, which Indian banks can reach. Indian firms and persons do not always give preference to Indian institutions and sometimes they are precluded from doing so, when they would like to patronise Indian stock banks.

There is no dearth of capital in India for the next stage of advance. Measures for the encouragement of joint stock banking were adopted, it will be unreasonable to expect, that at least a dozen new banks on a large scale, will come into existence.

Indian joint stock banks enjoy in India no privilege of any kind. A policy should be enunciated by the state declaring it to be an important public object to encourage the growth of Indian joint stock banks. The reason for such policy exists in the encouragement of the co-operative application of such policy in the case of Indian joint stock banks is not less important.

Interference with joint stock banking and the imposition of additional regulations would be justified without definite encouragement. The encouragement should take the form of same privileges which the co-operative banks enjoy at present, and facilities for opening branches, as the Imperial Bank, rediscount facilities with the Reserve Bank and a special rediscount rate, whenever the Reserve Bank is not convenient, facilities for advance against 'pronotes' and suitable collateral from the Reserve Bank. There should further be encouragement to amalgamation of smaller banks by the exemption of super-tax for the first five years of the existence of the new company.

The designation 'exchange banks' derived from 'eastern exchange banks' in the London money market is misleading in India, because these banks do every other class of business. The proper classification would be foreign banks in contrast with Indian banks.

The share of Indians in India's foreign trade is small and is estimated at 15 per cent. by the Indian Chamber of Commerce, Calcutta.

The idea, that foreign banks in India are financing foreign trade only, is fiction. The largest bulk of their operations is in the finance of internal trade.

'Exchange' banks had a great share in shaping opinion on matters affecting trade and finance both here and in London. The expression of such opinion was through British Chambers of Commerce, which were generally hostile to and intolerant of Indian efforts and Indian aspirations. Essential financial reforms were obstructed by them. They acted selfishly and took every advantage of the political and economic situation in this country and the embarrassment of Government, to secure their own ends.

Public opinion in India has demanded in the past that the field of banking should be reserved for institutions registered in India.

The open door to foreign banks in India should cease and a system of license should be established. The issue of a license must be a matter of absolute discretion of the authority, on whom the duty is fixed, and its renewal must also be a matter of their judgment.

The power of licensing is a part of the sovereign power of the State and if the Reserve Bank Board are entrusted with this power, they would have to take into account, when necessary, "reasons of state," which may be divorced from banking and financial considerations.

It is essential, that the licensing of foreign banks should be instituted forthwith, and pending the establishment of the Reserve Bank, the Standing Finance Committee of the Indian Legislature should exercise this power.

It is not desirable that a system of licensing should be instituted for Indian banks also. The object of licensing foreign banks is to protect different classes of Indian public and Indian institutions from unsound foreign banks, from malpractices, unfair competition, anti-social and anti-national activities which they might indulge in.

The terms should be elastic to meet an emergent situation, or to ward off an apprehended danger.

The claim of foreign banks to equality with Indian banks would mean the negation of all regulation in their case.

The main terms of the license are to be :—

(1) The licensed banks should not receive deposits in India from Indian-born persons or joint stock companies registered in India.

(2) The licensed bank shall confine its branches to the port areas only, and no branch shall be opened in the interior.

(3) Controlling interests, directly or indirectly, shall not be acquired in Indian institutions in order to defeat the above provision, or for any other motive.

(4) The existing branches in the interior should be withdrawn 'prorata' within five years, and the banks concerned should submit forthwith a programme stating the manner and extent to which they will be withdrawn during each of the five years.

It shall not be open to the licensee to engage in this country, in trustee capacity, which would put Indian funds in its hands.

Except the manager and one official in each branch under him, the staff shall be Indian.

(5) The licensed bank shall pay full income-tax on its earnings in this country and disclose all accounts and particulars to enable the revenue authorities to frame the demand.

Licensing must have a definite aim of national policy and should not be a mere formality.

Every country in the world has devised regulation of the activities of foreign banks to suit its requirements. New countries, like the United States of America whose banking organization was built on model lines later, keep a predominant share in banking in their own hands. Taking of deposits of American money by foreign banks is absolutely prohibited in such financial centres as New York, Canada, South Africa and Austria, in the Empire, have felt resentment at the dominance in their country of institutions controlled from London and have taken various steps against such domination.

# REPORT OF THE INDIAN MILITARY COLLEGE COMMITTEE

## ( The Chetwode Committee )

The Indian Military College Committee was formed by the Government of India with the approval of the Secretary of State, in pursuance of the resolution contained in paragraph 4 (2) (c) of the report of Sub-Committee No. VII (Defence) of the Round Table Conference. The resolution ran as follows :—

"In order to avoid delay the Government of India be instructed to set up a committee of experts, both British and Indian (including representatives of the Indian States) to work out the details of the establishment of such a college."

The orders appointing the committee were published in the following notification in the 'Gazette of India' (No. 312, dated the 23rd May 1931) :—

"In accordance with the recommendation of the Defence Sub-Committee of Round Table Conference, the Governor-General-in-Council, with the approval of the Secretary of State for India, has been pleased to constitute a committee of experts including representatives of Indian States, in order to work out the details of the establishment of a military college in India to train candidates for commissions in all arms of Indian Defence service."

The Committee consisted of the following :—

Chairman :—His Excellency the Commander-in-Chief in India.

Members (1) Officials :—The Chief of the General Staff; The Adjutant General in India; The Secretary to the Government of India in the Army Department; The Deputy Military Secretary, Army Headquarters; Sir George Anderson, Director of Public Instruction, Punjab; Khan Bahadur Sharbat Khan, C.I.E.

(2) Non-Officials :—Sir Abdur Rahim, Sir P. S. Sivaswamy Aiyer, Rao Bahadur Chaudhri Chhotu Ram, Sir H. A. J. Gidney, Dr. B. S. Moonje, S. N. Mukherji, Principal St. Stephen's College, Delhi; Captain Sher Mohammad Khan, Captain Narain Singh Bahadur, M.C., I.D.S.M.

(3) Members from Indian States :—Major General Rao Raja Ganga, Rao Raghunath Rajwade, C.B.E., Inspector General of Gwalior Army; Colonel Lichman Singh, Quarter-master-General, Patiala State Forces; Lieut.-Colonel Mirza Kader Beg, Sardar Bahadur, Commandant, 1st Hyderabad I. S. Lancers.

The Committee assembled in Simla on the 25th May 1931 and concluded its agenda on the 20th June. The report was signed on the 15th July. Expenditure on the Committee amounted to about Rs. 17,500, exclusive of the cost of printing and publishing the report.

### Extract from the Report

The following are extracts from the report to which minutes of dissent were appended by Sir Abdur Rahim, Sir P. S. Sivaswamy Aiyer, Chaudhary Chotu Ram, Dr. B. S. Moonje, Prof. S. N. Mukherji and Major General Rajwade.

#### NATURE OF THE COLLEGE

In the preparation of our scheme for a Military College the first point that calls for a decision is whether the length of the course at the College should conform to those of cadet colleges in Great Britain, or to those of the Dominions and the United States. The course at Woolwich and Sandhurst extend over three half-yearly terms, or eighteen months in all. The course at Cranwell, which includes, besides general education, a certain amount of technical instruction, lasts for two years. The courses at the colleges at Kingston in Canada, Duntroon in Australia, and West Point in the United States, on the other hand, last for four years. These courses include a considerable element of technical education. The Indian Sandhurst Committee of 1925-26, in their scheme for an Indian Military College, recommended a course of three years of which the first year

should be devoted mainly to academic study, and the last two years mainly to military training. The Skeen Committee made this recommendation after an exhaustive inquiry into the military training system of other countries, conducted by a special sub-committee which visited Great Britain, France, Canada and the United States for the purpose.

The Skeen Committee suggested that the course should last for three years, of which the first year should be devoted mainly to academic study and the last two mainly to military training.

We gather from educational reports and from other sources of information that in recent years, the ordinary Indian schools have shown considerable improvement in the directions indicated by the Skeen Committee, especially in the provision of better buildings and play-grounds, in a larger supply of trained teachers, in better organised games and physical training, but Indian boys still suffer from many disadvantages. The financial resources of the schools are often inadequate; the schools sometimes are overcrowded by the large proportion of failures at Matriculation (which is a lenient test); the pupils are overstrained by being expected from an early age to master an excessive number of languages and the use of English as the medium of instruction is a very serious handicap to a proper understanding of the subject of study and to a quickening of the intelligence of the pupils, while even in the college stage many students are so deficient in English that they are unable to follow the lectures which are delivered in that language.

There are other disadvantages which appear to us to result from an imperfectly devised system of education.

It is essential that professional education should be based on the firm foundation of general education. We have noticed from certain university calendars that there is a tendency towards premature specialisation and that subjects such as biology, chemistry and economics may be taken by students at what would appear too early an age. There does not seem to us sufficient guarantee that boys have always received an adequate grounding in what are usually considered to be the basic subjects of school education.

Again, such general education should be given, in our opinion, in a good and well-regulated school but we observe that many boys pass Matriculation at the early age of fifteen (or even younger) and then proceed to a college. They thus lose the bracing stimulus of school life, and are denied suitable training in those qualities which are so valuable to success in life. However beneficial it may be in other directions, a college education is no substitute for good school education (with its school games, and its school methods of work) for boys who are on the threshold of professional study.

#### COLLEGE EDUCATION, NO GOOD

We are glad, therefore, that something has been done to remedy this defect. The Prince of Wales' Royal Indian Military College at Dehra Dun has already gone far to prove that Indian boys readily respond to the type of training which is given in that institution and that many Indian parents appreciate its value; and we have been impressed by the favourable opinions voiced by the Skeen Committee and by many of their witnesses in support of that institution. The Chiefs' Colleges have a good record in certain directions but it is doubtful whether the training imparted therein is conducive to the proper encouragement of self-reliance and other such qualities. The King George's school at Jhelum, Jullundur and Ajmer give promise of providing that type of school training which we consider to be desirable in this connection. Some of the European schools are now giving to boys up to eighteen years of age good training for life. It is also hoped that the intermediate colleges of the type recommended by the Calcutta University Commission will be successful in providing good school training up to the Intermediate standard.

We also hope that the aims of the late Mr. S. R. Das will soon be realised and that a school of the type desired by him will be established.

Length of Course:—We are in general agreement therefore with the Skeen Committee as regards the length of the course. We consider that until such time, at any rate, as the defects pointed out by us in the civil educational systems of India are overcome, the normal course of training of Indian military cadets should be a full three years. Indian army cadets by reason of their previous military training will however require a course of two years only.



Mr. Mukherji and Sir Sivaswamy Aiyar considered that Indian Army cadets should undergo the full three years' course.

#### AGE OF ENTRY

We are however in favour of a later age of entry than that contemplated by the Skeen Committee and we recommended that it should be the same as laid down for Indian cadets for Sandhurst at present, namely 18 to 20 years. The retention of these limits should ensure reasonably high standard of general education from the successful candidates.

After much discussion, therefore, we adopted the following formula, which constitutes our definite recommendation.

"We agree to a course of 3 years and an age of entry of 18—20 years provided that the regulations as to service are suitably modified so as to ensure that in regard to the age and prospects of attaining command of units and for the purpose of promotion, seniority and pension, officers graduating the Indian Military College will not be prejudiced in comparison with British officers entering the Indian Army from the British cadet colleges, but will be on an equal footing with such all respects. The same principle should be maintained if the time-scale of promotion is hereafter abolished.

#### SELECTION OF CANDIDATES

The next point that we have to consider is the method of selection of candidates for the college. There are at present 20 vacancies at Sandhurst offered annually in competition to Indians. In addition to these vacancies a number of Viceroy's Commissioned officers not exceeding 5 in any one year may be nominated to Sandhurst subject to their satisfying certain standards. Of 20 vacancies open to competition, a certain proportion, not exceeding 20 per cent may be filled by nomination of candidates who have qualified at the examination, but have not succeeded in obtaining a place by competition. This power of nomination was conferred on the Commander-in-Chief in accordance with a recommendation of the Skeen Committee had reference, however, to the Indian Military College, rather than to Sandhurst. It involves the somewhat invidious procedure of rejecting candidates who succeeded in open competition, in favour of others who have merely qualified, probably for this reason that the power was not exercised on the only occasion (the examination of November 1929) when it exceeded the total vacancies offered. The number of Viceroy's Commissioned officers so far nominated to Sandhurst is only 2 and both of these were over the normal age limit of 25 when they were nominated.

We found great difficulty in reaching a substantial measure of agreement as to the proportion of the 60 vacancies which should be allotted to open competition and nomination respectively. Most of us consider it essential to reserve a large number of vacancies for the classes that furnish recruits to the army in order to encourage those classes generally to ensure to them their due representation in King's Commissioned ranks, and to offer adequate prospects of promotion of the rank and file. In this last connexion, some of us were greatly influenced by the decision of Government gradually to reorganise the officer establishments of Indianising units on the British pattern, consisting of 28 King's Commissioned Officers in a battalion, as compared with the existing establishments of 12 King's Commissioned and 18 or 19 Viceroy's Commissioned Officers. This decision involves the eventual elimination of the Viceroy's Commissioned Officer, no less than the British Officer, from Indianising units. Although it was taken, we understand in 1928, the stage has not yet been reached at which it has been necessary to post an Indian King's Commissioned officer in displacement of a Viceroy's Commissioned officer in any of the units concerned. This stage will, however, be reached very shortly. We need hardly point out that in the Indian Army as at present constituted, every enlisting Indian soldier can, and probably does, aspire to attain the Viceroy's Commission. If this goal is to be withdrawn from him under the new organization it will clearly be necessary to substitute for its prospects, at least as attractive as those which the Indian soldier has hitherto enjoyed, of attaining to commissioned ranks. The present Viceroy's Commissioned officers and the more senior of the Non-Commissioned officers will not be seriously affected, since the change will be a gradual one. We must look rather to the interests of the younger serving soldier and of those who enlist hereafter.

## PROPORTIONAL ALLOTMENT OF VACANCIES

The majority of us are in favour of allotting half the vacancies at the Indian Military College, i. e. 30 a year, to cadets from the ranks of the Indian Army. Of the remaining 30 vacancies, we recommend that 24 a year should be open to competition and that the Commander-in-Chief should have the right to fill six vacancies by nomination from among those candidates who have qualified at the entrance examination, but failed to secure a place in open competition. We suggest that in making these nominations special consideration should be given to candidates who are members of the Auxiliary and Territorial Forces, including the University Training Corps. We are all agreed that, in the event of the Commander-in-Chief being unable, owing to lack of suitable candidates either to select Indian army cadets upto the proportion decided upon, or not requiring to exercise his power of nomination to the full extent the resulting balance, should be added to competitive vacancies and allotted to candidates according to the examination results.

Sir Ankherji would prefer that the allotment should be at least 30 vacancies for open competition, not more than 24 for Indian Army cadets, and not more than 6 by nomination. These were the proportions originally proposed by Sir Abdur Rahman as well as the official members of the Committee.

S. Sivaswamy Aiyar, Dr. Moonje, and Major-General Rajwade, from the views of the majority, recommended the allocation of a much higher proportion of the vacancies to open competition. Sir Sivaswamy Aiyar and Dr. Moonje would reserve 48 out of the 60 vacancies for competition and altogether for Indian Army cadets and nominated candidates. Major-General Rajwade would allot 40 to competition, 20 to Indian Army cadets, and none to nominated candidates. These members contend that the recommendations of the majority would unduly favour the classes at present recruited into the Army at the expense of all other classes. They point out that even in the open competition in force since 1928, a large proportion of the successful candidates have come from the enlisted classes, and they see no reason to apprehend that this proportion will diminish under the new conditions.

In making our definite recommendation in accordance with the view accepted by the majority, we need only add that we do not intend that these proportions should be regarded as unalterable. They can, and obviously should, be revised in either direction, if experience at any time proves them to be unsuitable.

## ENTRANCE

We are of opinion that it would be inadvisable to insist on specified educational qualifications for admission to the entrance test, especially in view of the variation in university standards and of the fact that many schools do not prepare boys for Indian university examinations. While a high level of general attainments will naturally be expected from candidates, we consider that the entrance examination itself will provide all that is necessary by way of an educational standard.

Under the present system military medical boards are held at local centres about six weeks before each entrance examination. This is a convenient arrangement, and we recommend that it be continued. A candidate who is dissatisfied with the verdict of a medical board has the right to demand an appeal board, which is thereupon convened, as soon as possible, and before the entrance examination takes place. We recommend that, in cases where a specialist opinion is required, a specialist, preferably a civilian, should be included in the appeal board in future.

The examination of Indian candidates for the British cadet colleges is at present conducted, both in England and in India, by the Civil Service Commissioners of Great Britain. The papers set are the same as those for British candidates, with a few modifications to suit Indian requirements, e. g., the substitution of Indian for European Modern History, the inclusion of some oriental languages in the list of subjects and of a number of special questions, suitable for Indians, in the general knowledge paper.

With the inauguration of an Indian Military College, the task of conducting the examinations must clearly be transferred to an authority in India. We recommend accordingly that the Public Service Commission be asked to undertake this duty, general standard of the examination should be maintained at its present level. Indian candidates, who are already in the United Kingdom, should be allowed to appear at a simultaneous examination, the papers being sent from India under sealed cover.

## INTERVIEW AND RECORD TEST

This test is now conducted by a Board consisting of two Indian Army Officers, who must have commanded Indian units, and of whom the senior (generally the Adjutant-General in India) presides over the Board, one civil official, normally of the Education Department; and one non-official Indian gentleman nominated by the Governor-General. This last appointment follows a recommendation of the Skeen Committee, who, no doubt, foresaw that possibly none of the three official members of the Board would be an expert in the art of drawing out a candidate's knowledge and bent, and considered therefore that the presence of a non-official would compensate for this deficiency, and tend to inspire some confidence in the candidate. It, however, as we hope, the entire examination will be conducted by the Public Service Commission, the need for a non-official member of the Board will disappear. Our recommendation is that the Board should include one or two members of the Public Service Commission, as the Commission itself may decide on each occasion. If there is one he should be an Indian. There should be two senior officers of the Indian Army appointed as at present. No member of the Commission or the senior of the two members, as the case might be, should preside.

Captain Sher Mohammad Khan, and Captain Narain Singh are of opinion that the Board should not contain more than one member of the Public Service Commission. Dr. Moonje, Sir Abdur Rahim and Major-General Rajwade recommend that the Board should consist of one member of the Commission and two official gentlemen besides the two military officers. Chaudhuri Chhotu Ram recommends that if there are two members of the Public Service Commission Board, a third member belonging to the enlisted classes should also be appointed. We attach much importance to this test in which due attention should be paid merely to the record but even more to the several activities of each candidate side the class room.

## COURSE AND ORGANIZATION OF THE MILITARY COLLEGE.

It will be advisable to appoint the Commandant and the Assistant Commandant some months before the opening of the College in order to enable them to work out the administrative and instructional details as thoroughly as possible. Other senior members of the staff should also be appointed at such time as will ensure a full discussion of the time table, etc., and the preparation of lectures. In our opinion, it is essential that the Commandant should be in close touch with all arrangements regarding the construction of buildings and the provision of equipment, furniture, etc., on the permanent site.

In our opinion, the main desideratum is to eliminate 'wastage' as far as possible and to ensure that a high percentage of cadets shall be successful in the final examination. In the early stages, it will probably be difficult to decide whether or not a candidate for admission will prove himself at a later stage to be suited to a career. We are keenly anxious that, in the first place, a cadet who appears to the authorities to be unsuitable, will be removed from the College at as early a date as possible so that he will be able to continue his studies elsewhere, and, in the second place, that his vacancy in the College will be filled by another as soon as possible. We therefore recommend that, before the end of the first year, a serious test should be conducted by the college authorities with the object of deciding on the suitability of each cadet in that year. The Commandant's proposals for the removal of cadets should be subject to the sanction of the Commander-in-Chief on the advice of the principal staff officer or officers concerned. In this connection we propose further that, on passing the test above-mentioned, the cadet should be called upon to decide finally whether he will follow a military career. If he decides to do so, the parent or guardian and the cadet should enter into a contract with the State, in which the cadet should engage to serve in the army for a period of five years from the date of his Commission. In default Government should be empowered to recover the cost of his education at the College up to a limit which we suggest should be fixed at Rs. 5,000. We desire to make three recommendations in regard to the organisation of the College, which appear to us of great importance:—

(a) It is essential that the cadets should be trained in a spirit of self-reliance. We therefore suggest that no private servant should be permitted in the institution. The necessary number of College servants will be provided. (b) It is essential that a spirit of unity should prevail in the College, and we therefore suggest that the

feeding and other arrangements should be placed on a common basis. (c) The average age of the students who have entered by direct competition will be 21 years and the average age of Indian army cadets will be considerably higher. It is very necessary from all points of view that students of this standing should enjoy adequate privacy. We recommend therefore that every cadet should have a room to himself.

#### FEES AND EXPENSES

We have two standards to guide us in framing an estimate. The cost to a<sup>n</sup> Indian cadet at Sandhurst of one and a half years' course amounts to £677 toward<sup>s</sup> which the Indian Government contributes about £200, so that the cost to a cadet's parent or guardian comes to about £477, that is nearly Rs. 6,500. Then we have the example of the Royal Military College at Dehra Dun, which provides a public school education on British lines. Here the normal expenses to the parent or guardian for a student, inclusive of everything, amounts to Rs. 1,700 per annum as against the cost of Government of Rs. 2,600 per annum. The course at Dehra Dun extends over years so that the total cost to a student's parent amounts to Rs. 11,900 before he becomes eligible to compete for a vacancy at Sandhurst. If the cadet is successful at the examination he has to find between Rs. 6,000 and Rs. 6,500 for the Sandhurst course, that is to say, the total cost to him comes to Rs. 12,400 in 9½ years. That gives us a little over Rs. 2,000 per annum and for the Indian Military College will be to Government, and we have to consider the question of cost to the cadet's parents entirely on its own merits. We consider that like Army cadets at the cadet's colleges in England, Indian cadets should receive their education at the Indian Military College free of charge. We recommend further that these cadets, on admission to the college, should be granted pay at the rate of Rs. 60 per mensem. We would leave it to military authorities to decide whether any part of this should be treated as service pay.

*Sons of military officers and soldiers.*—We recommend that cadets who are the sons or in very exceptional circumstances, the grandsons in the male line of military officers and soldiers of the Indian Army or Indian State Forces, should be eligible for a remission of fees, according to circumstances up to one half of the total.

*King's India cadetships.*—We are of opinion, subject to the concurrence of the Army Council, that a due proportion of the King's cadetships, King's India cadetships, and cadet scholarships for which Indian cadets are eligible at the cadet colleges in England, should be transferred to the Indian Military College.

*Scholarships.*—We recommend that the various scholarships now offered to Indian cadets at Sandhurst and Woolwich should be transferred to the new College. These are the Sir Pratap Singh Memorial Silver Wedding Fund and Birdwood-Tehri scholarships and the special scholarships instituted by the Government of Bombay for cadets of that Presidency. We express a hope that other local Governments and private individuals will found similar scholarships in future. We recommend that the Central Government also should devise some system either of scholarships or remission of fees, to assist deserving Indian cadets of limited means other than the sons of military officers or soldiers.

*Fees recommended by the Committee.*—We feel it to be important that the cost of the full course at the Indian Military College should be substantially less than that incurred by Indian parents in sending their sons to cadet colleges in England and that the annual cost also should be less than at the Royal Military College at Dehra Dun. We have attempted to work out detailed figures and to arrive at an estimate of the normal expenses of a cadet at the new Colleges, but we have not been able to produce any results of value. We must, therefore, content ourselves with a general recommendation that the fees and other expenses should be so calculated that the average annual cost to the individual should be not much more than Rs. 1,500, and that the total for the whole course should not exceed Rs. 4,600. This figure includes tuition, board and lodging, uniform, books, pocket money fixed at a reasonable amount, games, subscriptions. It does not include vacations or private clothes. Dr. Moonje, dissenting from this recommendation, considers that the total expenses of a cadet should not in any case exceed Rs. 75 a month.

## INDIAN STATE FORCE CADETS.

Under the Resolution of the Defence Sub-Committee of the Round Table Conference, our College is also to train prospective officers of the Indian State Forces. After some discussion we came to the unanimous conclusion that 20 vacancies a year in addition to the 60 vacancies for British India would be a reasonable provision for Indian State Force cadets. We consider, subject of course to the consent of the Rulers of the States concerned, that 20 vacancies should be allotted among the various Indian States that maintain State Forces in the proportions of the strength of their troops as shown in the Indian State Forces Army List. We think that it should be left to individual States to decide how many of the vacancies allotted to them in any year should be filled by competition within the State and by selection of army cadets respectively. Those candidates who entered by open competition would have to reach the same qualifying standard as candidates from British India. Army cadets from the Indian State Forces would similarly be required to pass tests of the same general standard as those demanded from Indian Army cadets. It is obvious that all candidates from Indian States must be sufficiently well educated to take full advantage of the course and assist in maintaining the general level of efficiency at the college. Competitive candidates should be required to pass the medical test conducted under the authority of the Army Department. Army cadets should be required to produce a certificate to show that they fulfil the same standards of physical fitness as the Indian Army cadets. We do not recommend that Indian States should be invited to contribute any funds towards the establishment of the College, or its maintenance when established. In view of this, the majority of us consider that the full expenses of the course should be payable in respect of all Indian State Forces cadets whether entering the College by competition within the State or as army cadets. The cost of any remission of fees granted to individuals should be borne by the State concerned.

Dr. Moonje, Sir H. Gidney, Major-General Rajwade, Colonel Lachhman Singh and Captain Narain Singh dissent from the above opinion and consider that some concessions should be granted to Indian State Forces cadets at the expense of the Government of India as the States have always taken their due share in the responsibilities of the Empire.

## INDIAN AIR FORCE CADETS

It appears from Resolution (2) (b) in paragraph 4 of the Report of the Defence Sub-Committee of the Round Table Conference that the Conference intended that cadets should be trained for the Indian Air Force at the Indian Military College. In view however of the great difficulties of providing adequate flying, training and technical instruction in this country, such as are obtained at Cranwell, we have carefully considered, as an open question, whether the existing arrangements for Indian Air Force cadets should not be maintained for some time to come. In our discussions on this subject we have had the benefit of the presence and advice of the Air Officer Commanding in India, Air Vice Marshal Sir John Steel. He is of opinion that the course which we propose at the Indian Military College would form a suitable foundation of training for officers of the Indian Air Force, assuming that there will be adequate instruction in mechanics. He is further of opinion that it would not be feasible for Air Force candidates to do anything less than the complete course, as much of the work done would not then be properly consolidated before the cadet left the college. Officers commissioned from the college would have to undergo a year's course at a flying training school as pilot officers on probation. In this way Indian cadets would become pilot officers between the age of 21 and 23.

**Flying Training School.**—The cost of establishing a Flying Training School in India under present conditions would be prohibitive. We are informed that the cost of a Flying Training School in England, containing on an average 60 pupils under training, amounts to approximately £200,000 a year; and that allowing for wastage, the average cost to the State of each pupil who passes out is about £4000. It is obvious that India cannot afford to pay on this scale for the training of the very small number of pilot officers that she requires.

We recommend, therefore, that until the number of pilots required justifies the expenditure on a Flying Training School in India, Indian cadets should continue to go to Cranwell for the complete course of two years. They should then be attached to a Service Squadron in England for six months (to include a short

course at the school of Army Co-operation); and subsequently be attached to a Service Squadron in India for a further period of six months. We recommend further that the Air Ministry should be asked to allow the present reduced rates for Indian cadets at Cranwell to continue as a temporary measure.

We consider that Indian flying officers should be sent to England for specialist courses as required: that the possibility of starting a small flying training school in India should be very carefully investigated; and that it should be the policy of the Government of India to establish such a school as soon as the number of pilots to be trained justifies such expenditure, provided that the financial situation permits. When this stage is reached the question whether cadets should pass through the Indian Military College before going to the flying training school in India should be reconsidered.

**Post Graduate Courses.**—We were asked to consider whether graduates of the Indian Military College who enter the technical arms of the service should continue to receive post graduate instruction in the United Kingdom. We were informed that there would be no difficulty in organising an adequate course of instruction at Kakul to take the place of Larkhill for the artillery, or at Jubbalpore to take the place of Catterick for the Corps of Signals. Officers of the Royal Engineers at present take a course at Cambridge University and Chatham, lasting about two years. At Cambridge they are required to take an honour's degree in mechanical engineering. We think that the Thomson College at Roorkee and other colleges should be able to provide all that is necessary in the way of general training, and that the requisite special courses in subjects such as artillery and railway construction, could also be arranged.

We consider that all young Indian officers before joining their own units should be attached to British units in this country for one year, as is already the practice in the cavalry and infantry. We do not recommend that they should be attached to British units in the United Kingdom, although this suggestion had the support of the Committee. All the benefits derived from associating with British officers in the daily routine of regimental life can, in our opinion, be obtained as easily in this country as in England, while in the former the young Indian officer has the advantages also of the society of his own countrymen and of being able to visit his home.

We have already drawn attention to certain disadvantages from which Indian boys suffer in their education, and to certain defects in the educational system. It is mainly on account of these defects, that we have agreed to recommend a three year course at the Indian Military College. We have also alluded to the admirable training which is now given at the Prince of Wales' Royal Indian Military College, Dehra Dun. The main cause of the success of this institution is that it supplies the opportunity and the resources to provide good school education to boys up to 13 or 19 years of age. It is unfortunate that, for our purposes, there are few, if any, other schools which have similar opportunities and resources. This is due very largely, as already shown, to the fact that the majority of boys pass Matriculation before the age mentioned above and thus leave school prematurely.

We agree that the College should be enlarged as soon as possible up to the maximum limit of its present accommodation and staff, and thereafter gradually enlarged up to the limit suggested by the Sken Committee. We would add that, in our opinion, the cost of training should be reduced to Rs. 100 a month. We recognise, however, that as expansion takes place, it will become increasingly difficult, if not impossible, for the military authorities to remain responsible for the management of the college. A college of the size suggested will be turning out about 40 boys annually, a number of one third as large again as the total vacancies obtainable by open examination for the Indian Military College in the initial stage. We must, moreover, expect increasing competition from other institutions, with the result that eventually only a small proportion of Dehra Dun boys will have a reasonable prospect of entering the Indian Military College. At that stage, definite provision will have to be made for preparing the majority of the students for admission to advanced university courses and so civil careers—a task which the military authorities could not undertake. Our recommendation can therefore only be that the military authorities should remain in control of the Dehra Dun College for so long as is found practicable. Dr. Moonje was of the opinion that the cost of training should not exceed Rs. 75 per month.

As regards other institutions we note with satisfaction that the military authorities intend to improve the standards of education at the King George's Royal Indian

Military Schools at Jhelum, Jullundur and Ajmer, particularly in the teaching of English, with a view to increasing the number and quality of candidates for Indian Army cadetships.

We recommend that members of the Auxiliary and Territorial forces should be eligible for nomination to the college as Indian Army cadets, provided that they are within the same age limits and satisfy the same educational tests as are prescribed for cadets from the regular army. We think that it would be desirable also to insist that candidates from these forces should undergo a period of attachment to a regular unit for, say, six months before proceeding to the college. We do not make a similar recommendation for members of the University Training Corps, as these will generally speaking be within the age limits of the open examination, and there is no reason, therefore, why they should not enter the College by that examination or through the Indian Territorial Force as Indian Army cadets. Moreover, the military training imparted in the University Training Corps is necessarily of a lower standard than in the Auxiliary Force and the other Territorial units all of whom are liable for military service.

Sir Abdur Rahim, Mr. Mukherji, Major-General Rajwade, Dr. Moonje, Sir. H. Gidney and Sir Sivaswamy Aiyer, dissenting from the majority, are of opinion that members of the University Training Corps should be eligible for direct appointment to Indian Army cadetships.

The Sken Committee, as well as the Defence Sub-Committee of the Round Table Conference, proposed that after the opening of the Indian Military College Indian cadets should continue to be admitted to cadet colleges in England. We find ourselves unable to support this recommendation. It is our object to give the new College a good start, and to encourage its successful development to the utmost. During its earlier stages the greater prestige of Sandhurst would undoubtedly attract a certain number of candidates who could afford to go there and these, when commissioned in the Indian Army, would tend to regard themselves as superior to their contemporaries from the Indian College. Such an attitude would have the worst possible effect upon the *esprit de corps* of young Indian officers. Nor do we think that it would be justified in actual fact. The new College, planned and organized, as it will be exclusively for Indian cadets in their own country, must surely provide a more suitable and efficient training for the Indian officer of the future than a course designed for British youths in England, however thorough and however carefully adapted the latter course may be. Sir. Abdur Rahim, Dr. Moonje and Mr. Mukherji dissent from this recommendation.

We have considered a number of possible sites for the College. The ideal site for our purpose would be in a place occupying a central or at any rate easily accessible position, with a temperate climate all the year round, with adequate room for expansion and for training purposes, and with a military garrison in the neighbourhood. It should not be situated in a large town, nor on the other hand too far in the country. It should, if possible, possess some vacant buildings which could be utilized temporarily to start the College while the main and permanent buildings were being erected. We did not expect to light upon any place in India fulfilling all these requirements nor have we done so. Bearing them however in mind, we have considered the possibilities of a variety of places including Bangalore, Satara, Poona, Deolali, Mhow, Pachmarhi, Shillong, Saugor, Dehra Dun, and Abbottabad. We eventually reduced the choice to three places, Satara, Mhow and Dehra Dun. All these have the advantages of a moderate climate and relative accessibility. Satara possesses a certain number of buildings which could be utilized, but there are no troops in the neighbourhood. In all three places the question of water supply would require careful consideration. The majority of us are inclined to favour Dehra Dun, where a large and suitable site could probably be obtained without difficulty. We are content however to leave the final selection to the Government of India on the understanding that every effort will be made to establish the College by the autumn of 1932, if possible, on its permanent site.

## REPORT OF THE HIJLI SHOOTING ENQUIRY COMMITTEE

The following is the full text of the report submitted by the committee consisting of the Hon'ble Mr. Justice S. C. Mullick, I. C. S., Judge, High Court, Calcutta, and Mr. J. G. Drummond, I. C. S., Commissioner, Rajshahi Division, on the causes and incidents of the occurrence at the Hijli Detention Camp on the 16th. September 1931 and was issued to the press on the 28th. October 1931 :—

"We were appointed a committee to inquire into the occurrence at the Hijli Detention Camp on September 16, 1931. The terms of reference were to investigate the occurrence, its causes and incidents and to submit to the Government of Bengal a report of our findings.

We assembled at Hijli in the evening of Monday, October 5, and began our investigation the following day. Both the detenus and the camp staff were represented by legal advisers who were allowed to cross-examine witnesses. After the proceedings were recorded we allowed the legal advisers to represent their respective cases before us. We went round the Detention Camp as many as four times including a visit we paid at night time in order to see what the place would be like (with the compound lamps allighted) at night.

We examined 58 witnesses altogether, out of which there were as many as 31 detenus and 2 "Faltus", which means convict servants working as attendants on the detenus inside the camp. Besides these witnesses as also the medical witnesses, the police witnesses and the Commandant Mr. Baker, we examined three gentlemen who apparently had very little connection with the incident in question and those three witnesses were Rai Sahib Anath Bandhu Chakravarti, the Assistant Commandant, who was lying ill at his house at the time, his nephew Babu Ambica Charan Roy who was at the time living with the Rai Sahib, and Babu Birendra Kumar Das Gupta, the jailor of the additional special jail at Hijli. With the exception of Rai Sahib Anath Bandhu Chakravarti, Babu Ambica Charan Roy and Birendra Kumar Das Gupta, Captain N. N. Choudhari, the Civil Surgeon of Midnapore, and Dr. Mazumdar and Dr. Jotindra Mohan Das Gupta, two doctors belonging to the Railway Hospital at Kharagpur, who in a sense may be called independent witnesses, practically all the other witnesses we could examine were interested, belong as they did either to the side of the detenus or to the side of the staff. In view of this fact we have had to consider the statements of these witnesses very carefully in the light of probabilities and such independent or circumstantial evidence as was found available.

### DESCRIPTION OF THE CAMP

For the better understanding of this report we have appended a plan of the Detention Camp drawn to scale. The plan shows the position of the sentries on the night of September '16. The detenus are housed in what was meant to be the Collectorate of the new district of Hijli lying east and west. This is a long and high two-storeyed building; in the centre is a lofty tower which is a landmark for miles around. For the accommodation of the camp a space 1,000 feet long and 700 feet broad has been enclosed with a double fence of barbed wire. The building is in the middle of this space or compound. Besides the surrounding fences there are several internal fences of barbed wire; in particular there is barbed wire on each side of the road which leads from the main gate to the south-east corner of the building. The guard room is opposite and close to the main gate. The quarters of the guard constables are about 400 yards to the west of the guard room. The Commandant and Assistant Commandant live about three-fourth mile and the Armed Inspector about 1½ miles from the main gate but are connected with the guard room by telephone.

The occurrence which we are to investigate was the opening of fire by the guard on the detenus in Hijli Detention Camp on the night of September 16 at about 9-30 p. m. Before we proceed to analyse the evidence it would, in our opinion, be convenient to state briefly the points about which there is no dispute.



There is no dispute that an alarm was given by the sentry inside the camp. There is no dispute that a number of constables rushed into the camp under Havildar Rahaman Khan. There is no dispute that the constables opened fire on the main building in the camp where the detenus were residing; and there is no dispute that as a result thereof two detenus Babu Santosh Kumar Mitter and Babu Tarakeswar Sen Gupta were killed, one on the ground floor of the building and the other upstairs, and a number of other detenus, twenty altogether, received injuries and in some cases the injuries were of a severe nature necessitating in one case—the case of detenu Babu Govinda Pada Dutt—the amputation of the left arm. It is undisputed also that the sentries and some of the constables who entered the compound after the alarm was given were armed with smooth-bore Martini Henry muskets with triangular bayonets, that those who fired seem to have used ball and buckshot indiscriminately and that some of the injuries on the detenus were gun-shot wounds, some were stabs such as a bayonet might have caused and some bruises that might have been due to blows from a lathi or the butt of a musket.

#### ORIGIN OF THE TROUBLE

The two parties, we mean the constables on the one side and the detenus on the other, were at variance as to how the incident had begun and as to how the occurrence took place.

#### POLICE VERSION

The version of the constables was as follows:—There was at the time of the disturbance a detenus named Chandra Singh. This detenus made a deliberate attack on Chandra Singh, whereupon Chandra Singh fired a shot in the air and raised an alarm saying "Chandra Singh turned out", and two patrol constables, Chandrikalal and Nabsib Singh, who had come to his aid, also fired shots. Thereupon the detenus ran away. There was a similar interference with sentry No. 7 Sirajul Hussain, whose bayonet was snatched away and who had to fire as many as three shots in order to drive away his assailants. Some of the detenus were then making for sentry No. 6 at the same time the guard, which is located in a building opposite the main entrance to the camp, on hearing the alarm, turned out and came between the two gates in charge of Havildar Shekhar Singh. Shekhar Singh, however, left the men there and went back to the guard room to get orders from the Havildar-in-charge, Ramsevak Pande as to whether the men should be taken into the camp. The Havildar-in-charge sent a telephonic message immediately to the Assistant Commandant Rai Sahib Anath Bandhu Chakravarti, telling him that a riot had begun inside the camp between the sepoys and the Babus and asking him to give the information to the Commandant, Mr. Baker. A telephonic message was sent to Inspector Marshall also, who was in his house at the time, about 1½ miles away.

In the meantime the men between the two gates were joined by several other constables—the alarm party—who arrived in charge of another Havildar, Rahaman Khan, and under orders of Rahaman the inner gate was opened and all the constables assembled there rushed in. Rahaman Khan, however, halted the men near a culvert which was only a few yards beyond the inner gate and 85 yards from the main building. Leaving his men there, according to the story of the constables, Rahaman Khan advanced with 2 or 3 sepoys and proceeded in the direction of sentry No. 7. Meanwhile the detenus had begun advancing towards the sepoys armed with mosquito-net poles, when two constables Haringi Singh and Ramjatan Singh, who had nothing but a small danda and a stick in their hands, approached the angry detenus with folded hands and entreated them not to advance any further; and the detenus without paying any heed to the entreaties of Haringi and Ramjatan hit them with mosquito-net poles, and when the detenus in the building were throwing down missiles such as brickbats, mosquito-net poles, etc., the sepoys opened fire, and as their intention was not to hit any one of the angry crowd of detenus but only to frighten them away, they fired high.

On this firing the detenus retreated after which the Havildar in-charge, Ramsevak Pande came and ordered them back to the guard room.

Rahaman Khan's case was that when proceeding towards sentry No. 7 he had managed to go past the detenus, and from sentry No. 7 he had gone up to sentry No. 5 to see if there had been anything wrong there, after which, on hearing Ramsevak Pande crying out, he returned.

Mr. Baker, the Commandant, who happened to be in the Kharagpur Officers Club at the time, on receiving the telephone message from Rai Sahib Anath Bandhu Chakravarti, immediately left for the camp and arrived there about 10 minutes after the occurrence, almost simultaneously with Inspector Marshall and finding everything quite he went round the sentry post coming to sentry No. 3 first, Nos. 4 and 5 next and to No. 7 last. When he was going away from sentry No. 7 he met detenu Babu Prafulla (Ghose) who asked him to come and see the injured person inside the building and to make arrangements for medical relief. Mr. Baker went into the building, saw the injured detenus, sent telephone message to Dr. Mazumdar at Kharagpur and had the wounded persons removed to the Kharagpur hospital as quickly as possible.

#### THE DETENUS' VERSION

According to the detenus' case there was no interference either with the sentry No. 3 or with sentry No. 7 or with sentry No. 8. There was an alarm given, but according to them (the detenus) it was a pre-arranged affair. The sepoys rushed in through the inner gate shouting "Hukum mil gia, Sala log ko maro," came up the road leading from the gate to the main building, and from a place which was about 20 yards from the south-east corner thereof began firing indiscriminately on the building without any provocation of any kind given to them.

As a result of this firing Babu Santosh Kumar Mitter who was on the ground was shot down. Babu Tarakeswar Sen Gupta who was upstairs was also shot and a number of other men received gunshot wounds. According to the detenus some of the sepoys then came into the building and assaulted some of the detenus there with bayonets, lathis, etc., and some of them also fired a few shots causing injuries thereby, and afterwards they all left. Mr. Baker, the Commandant, arrived according to some, half an hour, according to some others, again, and a half after the incident.

That we have stated above it would appear that the fact that there was an alarm given is undisputed. That being so, the question whether there was any interference with sentry No. 3 and whether there was any scuffle there of any kind has no great importance in itself. It derives its importance only in connection with the question whether the alarm was pre-arranged or not—a point which was disputed before us.

On behalf of the detenus it was urged that the whole thing was pre-arranged, the alarm as also the whole affair. We are unable to agree in this view of the matter. The facts and circumstances which were disclosed before us in evidence would not be consistent with this theory. To begin with, the evidence of Babu Tarapada Gupta, one of the detenus, clearly shows that the first thing that he heard was a sound coming from the south-west of the tower hall, and the place where sentry No. 2 was posted was on the south-west of the tower. Then, if the whole thing, including the giving of the alarm, was a pre-arranged affair, there would hardly be any explanation of the fact that a man was found by some of the detenus running towards the gate crying "Kuchh nehi hua, kuchh nehi hua, rokho, rokho." Possibly this man was one of the patrol constables when he found that the detenus after that gholmal near sentry No. 3 had left the place, and when he heard that sepoys had assembled between the two gates, ran towards the gate in order to prevent an in-rush of the constables. Then, if the whole affair had been a pre-arranged one, the Havildar-in-charge would not have sent that telephone message so soon to the Assistant Commandant, for, if Mr. Baker, the Commandant, would happen to be at home at the time he would be arriving at the place in 3 or 4 minutes after getting the message.

We are, therefore, of opinion that there was some kind of interference with sentry No. 3 in consequence of which Chandra Singh gave the alarm, and that the whole thing was not a pre-arranged affair as the detenus wanted us to believe. But the story that Chandrikalal and Nashib Singh participated in the incident that happened at sentry post No. 3 seems to us to be extremely doubtful. Sentry No. 3 did not tell Mr. Baker anything on the point when Mr. Baker went round the sentries on his arrival at the camp soon after the occurrence, and although both sentry No. 3 and the two patrol constables Chandrikalal and Nashib Singh wanted us to believe that Nashib Singh and Chandrikalal remained with sentry No. 3 all the time till 10 p.m., when Chandra Singh was relieved, Mr. Baker did not find either of the two men, Chandrikalal and Nashib, there.

While we are on the question whether there was any interference with sentry No. 3 we might deal with the question whether there was any interference or scuffle at sentry post No. 7. That there was some incident at this sentry post also can hardly admit of any doubt. Sirajul Hussain, the man who was at this post, spoke about it to Mr. Baker very soon after the occurrence. But Sirajul's story of his bayonet having been snatched away from his rifle seems to us to be extremely doubtful. To begin with, Sirajul made no mention of this fact to Mr. Baker. Then the bayonet which Sirajul had attached to his musket could not be wrenched off. Any one who took it off would like to know the way in which it has to be turned before it can be removed. We may in this connection mention that the spot where the bayonet was recovered a day or two after the occurrence just outside the outer enclosure of the camp was within easy reach of where Sirajul Hussain was posted.

As regards what actually took place after the constables had gone in through the inner gate, the story which the sepoys gave us will not in our opinion bear a moment's scrutiny. Their story was that the detenus in the building were throwing missiles when there was a body of detenus armed with mosquito-net poles in between the building and where the sepoy stood. If there was any flinging of missiles by the detenus in the building in such circumstances, the missiles were more likely to hit the detenus in front of the sepoys than the sepoys themselves who were hopelessly out of range if their own evidence is to be believed. As regards the little story of Haring Singh and Ramjatan Singh, with nothing else but a small danda in the hand of one and a stick in the hand of the other, approaching the detenus with folded hands entreating them politely to desist, we are unable to place any reliance on it.

The story of the sepoys that they did not proceed further to the north of the culvert which was only a few yards from the inner gate where they say they had been left by Havildar Rahaman Khan has been falsified also by the testimony of Ramsevak Pande, the Havildar-in-charge, when Ramsevak says that he found the sepoys about 15 or 20 yards only from the building. Finally, these constables' defence entirely fails to explain the injuries other than gunshot wounds found on the detenus' persons.

We are unable, therefore, to accept the version of the occurrence as given by the constables, and we are clearly of opinion that the constables were only about 25 yards from the south-east corner of the main building when they opened fire on the main building, and that, at the time they opened fire, there were no detenus in between them and the building.

#### COMMITTEE'S CONCLUSIONS

What actually happened before the indiscriminate firing by the sepoys on the building was in our opinion this: Chandra Singh, sentry No. 3, gave an alarm on some provocation. On hearing that alarm the guard turned out and joined by the alarm party rushed in charge of Havildar Rahaman Khan and charged and drove into the south-east corner some of the detenus who might have been roving about. Some of the minor injuries may have been inflicted at this stage. Thereupon some shots were fired by sentries possibly at knots of detenus who seemed to be dangerously near them or who were throwing bricks at sentry No. 8 after which there was a half-hearted retaliation perhaps by some of the younger and more spirited detenus by the flinging down of a few missiles causing slight injuries on two constables (the third man who had injuries says that he was on guard in the tower and that he was hit by bricks while escaping from that isolated position) upon which there was the indiscriminate and wanton firing by the sepoys upon the building itself. When we say that this was what took place before the indiscriminate firing began, we are fully cognisant that this is somewhat of the nature of a surmise and hypothesis. But this surmise is not based on imagination only. It appears to us to stand on much firmer ground. It fits with what we have stated above and it fits in with the fact that on a number plate on a door upstairs we found marks of a shot which must have been fired from the south or south-west by some one outside the building, and with the story of firing in the direction of the hospital. It fits in more over with the evidence of Rai Sahib Anath Bandhu Chakravarti, the Assistant Commandant, who was lying ill in his house at the time, his nephew Babu Ambica Charan Roy, and the jailor Babu Birendra Kumar Das Gupta to the effect that what they heard was shouting at first, a few shots after that shouting, an interval thereafter after which there was the regular fusillade or indiscriminate firing.

We have recorded our findings as to what took place in the evening of September 16. Having regard to our finding on the question of the alarm raised and also on the question whether the alarm was pre-arranged or not, we hold that the entry of the sepoy into the compound after the alarm had been given was justified. But there was, in our opinion, no justification whatever for the indiscriminate firing (some 29 rounds were found to have been fired) of the sepoy upon the building itself, resulting in the death of two of the detenus and the infliction of injuries on several others. There was no justification either for some of the sepoy going into the building itself and causing casualties of various kinds to some other of the detenus.

We hold that neither Mr. Baker nor Inspector Marshall had any complicity in the shooting affair. Mr. B. C. Chatterjee, who represented the detenus before us, also frankly admitted that on the evidence as it stands he could not ask us to hold that either of these two officers had been privy to the shooting affair.

The fact that there was no responsible officer present on the spot was, in our opinion, indirectly responsible for the most deplorable and tragic affair that took place on the night of September 16 last.

## The Chittagong Enquiry Committee Report

The following is the report of the Non-official Enquiry Committee formed to enquire into the Chittagong outrages :—

At a public meeting held at the Albert Hall, Calcutta, on the 3rd of September 1931, the names of several well-known gentlemen were suggested to form a Committee for the purpose of enquiring into the causes and character of the disturbances in Chittagong after the murder of the Police Inspector. Khan Bahadur Ashanulla, and of ascertaining the loss sustained by the people of the town and district of Chittagong. The following gentlemen agreed to serve on the Committee :—(1) Mr. Jatindra Nath Basu. (2) Mr. J. M. Sen-Gupta. (3) Maulana Akram Khan. (4) Mr. B. N. Sasmal. (5) Dr. J. M. Das Gupta. (6) Mr. T. C. Goswami. (7) Mr. Satyananda Bose. (8) Dr. Naresh Chandra Sen Gupta. (9) Prof. Nripendra Nath Banerjee, (10) Mr. Nishith Chandra Sen and (11) Haji Abdul Rashid Khan.

(Haji Abdul Rashid Khan declined to serve on the Committee for private reasons. Moulavi Asrafuddin Choudhuri of Comilla (Tippera) was co-opted as a member in his place). Mr. Nishith Chandra Sen agreed to act as the Secretary to the Committee.

The Committee met at 104 Elgin Road on Friday, the 4th of September and decided on the mode of enquiry, electing Mr. Jatindra Nath Basu as the Chairman of the Committee. It was decided that some of the members of the Committee should proceed to Chittagong for the purpose of local investigations.

Accordingly, the following members left for Chittagong, arriving there on the morning of Monday, the 7th of September :—Mr. J. M. Sen Gupta, Mr. B. N. Sasmal, Maulana Akram Khan, Dr. J. M. Das Gupta, Prof Nripendra Nath Banerjee and Mr. N. C. Sen. Moulavi Asrafuddin Chowdhury joined them at Chittagong on Tuesday the 8th of September. On arrival at Chittagong, Mr. J. M. Sen Gupta saw Mr. Nelson, Commissioner of Chittagong Division, and Mr. Kemm, the District Magistrate, at their request. Mr. Sen Gupta reported to the Committee that the attitude of these gentlemen was that they could not assist the Committee in their work of enquiry, but that they would not hinder it. Subsequently, Mr. Sen Gupta formally wrote to officials asking them to give the Committee their version of the incidents ; but they declined to do so.

The local enquiry at Chittagong consisted of (1) a visit to all the places where disturbances had taken place on the night of Sunday, the 30th of August, and on the following Monday, Tuesday and Wednesday ; (2) taking of evidence from sufferers, eye-witnesses and other local people who were able to describe the state of things in Chittagong at the time ; (3) taking of photographs illustrating scenes of destruction.

We propose to publish the sworn statements of the witnesses who appeared before the Committee. These statements, after they had been recorded in writing, were invariably read out to those who had made them, and who thereafter put their signature or thumb impressions on them. Although the witnesses were not cross-examined on behalf of any particular party, we ourselves put them through very searching questions and we were impressed very favourably with the manner in which they made their statements.

We have also received many written statements from people whom we were unable to examine personally. We, however, desire it to be understood that our findings are based on the testimony of those who gave their evidence personally and on observations of those of us who visited Chittagong. We, however, find that the written statement subsequently received by us, corroborate the oral evidence on all material points.

#### SUNDAY EVENING

As the public are aware, Khan Bahadur Ashanulla, a Police Inspector, was shot dead on the Palton Football ground on Sunday, the 30th of August, at about 6 P.M. We are told that the assailant was apprehended on the spot and has since been sent up for trial in a court of law. We have it on the evidence of Rai Upendra Lal Ray Bahadur, a prominent citizen of Chittagong—a merchant and Zemindar, President of the local Indian Merchants' Association, member of the Chittagong Port Trust, former member of the Bengal Legislative Council and on his way back from the football ground, where he had seen Khan Bahadur Ashanulla shot dead, he heard, near the hackney carriage stand close to the hospital, a voice in Chittagong dialect crying that the murder of the Khan Bahadur must be avenged. This was at about 8 P.M.

Cries of 'revenge' were certainly heard in different parts of the town and at the same time, assaults on passers-by took place. These assaults were committed not only by ruffians but also by Police Sergeants on absolutely innocent people, merely using the roads. Some of these people had not even heard of the shooting of Khan Bahadur Ashanullah and had no reason to expect trouble. Srijit Harihar Dutt, a medical practitioner who lives in one part of the buildings in which the late Khan Bahadur resided and who was a friend of the Khan Bahadur and his family, found, about this time, that a relation of his was unable to go out on the roads on account of indiscriminate assaults by "Police Sergeants." People on the roads began to rush to shelter. We have evidence which shows that in many cases Hindus, who had been assaulted or who had somehow escaped assault, were given shelter by Mahomedan shop-keepers and house-holders. It is clear that by 10 P.M. many men had been beaten or otherwise molested. Some selected Mahomedans had been warned by officers and members of the Police of the possibility of trouble. Evidence of such respectable witnesses as Rai Upendra Lal Ray Bahadur, Jatindra Nath Chaudhuri, Moulavi Afsaruddin Annada Dutt and others compels us to observe that not only was there not even the beginnings of a 'communal' riot, but that by 10 P.M. on Sunday, the 30th of August, the Police and the local magistracy, by joint effort, created a disorder, deliberately and of a set purpose, in which they expected the victims of assault and looting, actively encouraged by them, to retaliate against their assailants, so that the rather too frequent story of 'communal riots' may be told again with impunity, in defence of the subsequent events. It just happened—for whatever reason—that the victims of this very deliberate conspiracy and concerted action on the part of the police and the magistracy did not 'retaliate' or even resist these attacks on their lives and property. Evidence is over-whelming to show that not only was there no inter-communal strife—that is, strife between the Hindu and the Mahomedan community of Chittagong but that efforts, which had undoubtedly been made to create one, failed.

During the evening of Sunday, the 30th. of August, people heard in different parts of the town of Chittagong announcements relating to a meeting of Mahomedans to be held at the Kotwali (Police Station) at 10 P. M. that night and to be addressed by the Daroga Siddiq Dewan. There was a large gathering of men at the Kotwali that night. We have been unable to obtain direct evidence as to what exactly was done there. Those who were the principal speakers and actors upon that scene did not appear before our Committee. But as to the fact there was a large concourse of excited people at the Kotwali throughout the night of Sunday, we have ample evidence. Srijit Harihar Dutt (who was as we have already mentioned, a friend of the late Khan Bahadur Ashanullah and lived in a portion of the build-

ings in which the latter also lived) saw a very large number of people going to the Kotwali during the night. The house is situated in the vicinity of the Kotwali and he saw distinctly "by the flash of the lights of passing motor cars, a very large number of Mahomedans assembled there."

#### SUNDAY NIGHT

The night of Sunday, the 30th of August, was a night of terror in Chittagong. The principal feature of the terror was that the assailants were members of the Police force, the armed police, Gurkhas and Europeans. It seems that they pursued a policy of general vendetta on Hindu citizens of Chittagong. They particularly attacked the houses of those who had incurred the displeasures of the local authorities, including political "suspects," pleaders who are engaged in the defence of persons accused in the Chittagong Armoury Raid Case, and the men employed in at least one well-known printing press. The manner of the attack was not only entirely illegal, but it was cowardly and brutal. Search warrants were not considered necessary. It is obvious that the local executive encouraged these attacks. We shall refer to a few instances.

The "Panchajanya" Press is housed in that locality of Chittagong which is known as Rahamatganj. It is the press in which the popular Nationalist newspaper "Panchajanya" is printed. It was raided sometime after 10-30 P. M. by a party of Europeans, some with revolvers. Srijut Hirendra Lal Choudhury, who was in charge of the press, was assaulted and fell down in a semi-conscious condition, with a wound on his head which bled profusely. He was able to recognise one of his assailants as a Signalling Engineer in the Assam-Bengal Railway. There were also on the spot two or more Hindus employed in the District Intelligence Branch (D. I. B.) of the Police; the name of one of these was given to us as Charu Chandra Bhattacharya. The employees of the Press were made to hold their hands up, while the furniture and the machinery were wantonly broken. As the machinery could not be easily broken, two of the raiding party (Europeans) went out in a motor car to fetch two large hammers with which they eventually succeeded in completely smashing the treadle-machine, the flat machine, the hand machine, the motor and oil engine. The types were scattered on the floor, the type-writer was rendered useless and even a map of the district of Chittagong was torn up. There was Lewis gun placed at the door of the house. It is significant that the raiding party repeatedly asked for Srijut Ambika Charan Das, the proprietor of the press who was then in Calcutta.

We have the evidence of Srijut Sailesh Narayan Choudhury, who has a tailoring business in Chittagong, and that of Srijut Jatindra Nath Roy Choudhury, a Zemindar and a man of considerable local importance, which illustrate another aspect of the situation. The former had gone to the neighbouring house, where the latter lived and where there was a telephone, with the object of informing the Police by phone, that there was trouble in the locality. There in the house of Jatindra Babu, he found the Officer-in-charge of the Police Station, Mr. Siddiq Dewan, and for a moment felt greatly reassured by his presence. But Mr. Siddiq Dewan is reported to have said:—"You think you are safe by being here. All this is our doing. We shall kill Hindus, burn them and then die. Why should we die alone?" (referring, obviously, to the murder of Khan Bahadur Ashanullah). With Mr. Siddiq Dewan there were armed constables and constables with lathis. Siddiq Dewan ordered him to be tied; Sailesh Babu, along with others, were belaboured by the constables. Jatindra Babu has told us:—"I asked Siddiq Dewan, 'Why are you doing this? He said, 'What did Ashanullah do to anybody? We have been ordered to do this. We are going to die. We shall kill Hindus and burn them and then die!' Mr. Siddiq Dewan advised him to remove his family to a place of safety, as there would be a "flare up" the following day ('Kal Agun Jalabo').

But the worst type of frightfulness on that Sunday night was the attack on political 'suspects' and their relations. We shall hereafter refer to the treatment accorded to Srijut Binod Kumar Sen, M. A. B. L. a Pleader who had been defending some of the accused in the Armoury Case, by ruffians and by the Magistrate who refused him assistance. Entering the house of Srijut Nanda Lal Guba, a Pleader practising in the Judge's Court, aged 58, a Police Sub-Inspector and several armed constables, in the middle of the night, searched the premises and took away his son with them. He accompanied his son who was taken to another house, where the police party arrested another young man and followed them all to the Kotwali.

At the Kotwali, the Police are alleged to have mercilessly beaten not only the boys but also the aged Pleader. It is alleged that Mr. Siddiq Dewan, Mr. Abdur Rahim and the European A. S. P. Mr. Shooter were present there, as well as several other Europeans. After the beating, the kicking and the abusing, they were allowed to go home in the early hours of the morning.

Then there are cases of men under trial, but on bail, being assaulted in their houses, though there were no warrants either for their arrest or for a search of their houses.

Of all the cases investigated by us, the most tragic is that of the late Rajani Kanta Sen, father of a young man called Chittaranjan Sen. He died of injuries inflicted on him. Chittaranjan, apparently, was a "suspect", though there was no warrant of arrest against him. We have the evidence of Chittaranjan and of his widowed mother. The father, Srijut Rajani Kanta Sen, did not survive the beating that was his share to tell us what happened. He was a man of sixty; but he was not suffering from any illness; indeed, he had carried on his avocation as a Pleader's clerk till Saturday. He was struck both by the Daroga (Police Sub-Inspector) and a Gurkha. As regards Chittaranjan, he was taken to the Police Station, beaten and later discharged.

But the most pitiful evidence came from the daughter of Srijut Bipin Behari Sen, whose house had been raided also about midnight. After the first search of the house the police took away her two brothers. Three Gurkhas returned again, forced the father to open the door, and entered the house on the pretence of a further search. While one or more of the Gurkhas prevented the father to come to her aid, the Gurkhas attacked her and subjected her to a brutal and cowardly assault. When she attempted to cry out, they gagged her. Her father too was struck when he made a desperate attempt to protect her; when he was overpowered and his nose began to bleed, the Gurkhas renewed their assault on her. The Gurkhas eventually went away with a gold ornament and some gold coins.

#### MONDAY MORNING

On Monday morning, according to evidence received from different parts of the town, people were seen and heard announcing that Hindu shops were going to be looted. In several places, hackney carriages were seen to pass down the roads, one of them with Police Constables in them carrying men who were asking people to close their shops, calling for revenge (*Partiharsar Protishad*) and declaring by beat of drums that Hindu shops would be attacked. There was a similarity in the language and the manner of the announcements in the different parts of the town. This was a prelude to an orgy of plunder, under the very eyes of the police. We have evidence to the fact that where a Mahomedan shop was situated in a Hindu locality, it was especially marked, so that it might be immune from attack.

As Moulavi Afsaruddin, a very respectable and educated citizen of Chittagong, holding considerable landed property, told us, one Abdul Azim (a police informer, aged about 35 or 36 who keeps a shop and is known to Moulavi Afsaruddin) informed him that a police Sergeant (or officer) had warned him that there would be 'gelmal' (trouble), as five or six hundred Hindus were to be arrested. In fact, although Abdul Azim would not go into details, he made it clear to Moulavi Afsaruddin that there was going to be a serious trouble (*Hulushul Bepar*). This was quite early in the morning. Soon after this, Moulavi Afsaruddin went to the house of Srijut Binode Kumar Sen, who is a defence Pleader in the Chittagong Armoury Raid Case, and found that his belongings lay scattered and broken, and that even his cooking utensils had not been spared. He corroborated the statement of Srijut Binode Kumar Sen himself, who also tells us a story of callousness on the part of the magistracy which we think it necessary to relate here.

Srijut Binode Kumar Sen, who, after an assault, had been advised to spend the night of Sunday with his family, in the house of a friend, returned in the morning to his own house which he found in a deplorable condition. He went first to the Sub-divisional Officer, showed him the marks of injury on him and "told him the whole story." The S. D. O. advised him to lodge a complaint and to see the District Magistrate. The District Magistrate refused him assistance, and even went the length of making light of his sufferings and loss. Let us quote Srijut Sen's words:—

"So far as I remember, his (i. e. the District Magistrate's) exact words are these:— 'Why have you come to me? I can't do anything. Go to your Hindu brethren and Bar Library. Organise yourselves and arrange for your own protection.' Pointing

his finger at me, he said—"You Hindu people are concealing the absconders. They are egging others to make mischief. I am not in the least surprised that your are molested. You have received only some bruises but there are people who have suffered much more than you."

Then, the Magistrate significantly referred to Patiya (outside Chittagong), saying—"Do you come from Patiya? I replied "No." Finally he told me that he could not do anything."

As a matter of fact, Srijut Sen did not come from Patiya. Patiya was later on to be one of the scenes of outrage and the home of the alleged assailant of K. S. Ashanullah.

It is necessary to point out at this stage that for the last year and a half, that is, since the Armoury Raid, Chittagong has practically been in a "state of seige." The strength of the police force has been increased far beyond the normal, both as regards number and as regards equipment. Further a large number of troops have been kept in Chittagong, including a contingent of the Assam Frontier Rifles. On the 3rd of August last, Mr. W. D. R. Prentice, of the Government of Bengal, in presenting his demand for a supplementary grant for the Police in the Bengal Legislative Council, referred in some detail to the precautions that had been taken to ensure safety in Chittagong. Evidence before us shows that the disturbances in Chittagong, which form the subject-matter of this Report, were not due to any deficiency in the strength of the Police. On Sunday night, it was the police, with the help of soldiers, who molested innocent citizens. On Monday, the police, having invited ruffians to plunder and arson, did nothing to help their victims. People resorted to the Officers in charge of the Police Station and to the Sub-Divisional Officer and the District Magistrate receive no assistance from them. Even Maulavi, to whom we have already referred, and was believed to be a friend of the "new" Hindus, as well as of influential Mahomedans, found, when he went to the Thana (Police Station) with two distressed Hindus, a menacing crowd of Mahomedans within and outside the Thana. Some of these rushed at them, saying, "Get out, we shall thrash you (maribo)"

"Janaja," or the funeral prayer, followed by a funeral procession, in honour of Late Khan Bahadur started at about midday. But before that even as early as between 8-30 and 9-30 A. M. shouts of "Pratibhishar Protishod : Hindu ke maro : Revenge ; beat and slay Hindus" were heard at places where the police and the Magistrates has assembled to honour the dead. Looting started under their very eyes. That influential Mahomedan citizens not only did not want any reprisals but were anxious to avert, and were alarmed at the prospect of disturbances, we have no doubt. There is the evidence of Mr. Nur Ahmed, a respected Mahomedan citizen and chairman of the local Municipality, who, having heard of looting and fire in certain Hindu shops (e. g. shops of Srijut Debendra Chaudhury and Rhid Karan). "saw Debendra's shop furiously burning." "While the Magistrate was there before Debendra's shop," says Mr. Nur Ahmed, "one show room of a gramophone shop was broken by the hooligans ; a little south a Gurkha Regiment was passing with kurkis in their hands but they did not interfere etc. etc." This was between 10 and 11 in the morning ; and the things happened within sight of a police Station (Baxirhat) and almost in the presence of soldiers and Magistrates. Mr. Nur Ahmed himself spoke to the District Magistrate about the seriousness of the situation. Referring to subsequent events, he told us :—"During the occurrence I noticed all the European Sergeants smiling and very glad."

#### MONDAY MIDDAY AND AFTERNOON

On Monday, the town of Chittagong was given up to hooligans. We have already referred to serious evidence as to indifference and inaction on the part of the police and the Magistrates earlier in the day. It is impossible to refer to the entire evidence on the subject. But respectable men like Maulvi Amir Khan (son of Khan Sahab Mahseer Khan), S. J. Harikissen Choudhury, Rai Bahadur Upendra Lal Roy, S. J. Annada Dutta, told us how the police not only did not hinder the looting but assisted the looters to carry off their loot through the public thoroughfares of Chittagong. According to the shop-keeper Umesh Chandra Pal's evidence, that the "Sahib" (European) was telling the looters : "Take away quickly ; there is not very much time." Even when the police were shown people openly carrying away stolen goods they refused to assist in their recovery. On the contrary, as we have said, there is evidence that the police helped them to escape. When his pitiful appeals to the police, the Sub-Divisional



Officer, etc. had failed S. Haladhar Saha, a merchant of Khatungunj which was a disturbance centre, eventually appealed to the Divisional Commissioner. Hearing his wails before the Divisional Commissioner two ladies came out. He appealed to them also; the Divisional Commissioner wrote down something on a paper, but remained speechless with downcast eyes (Het Mukhe).

We hold that a large portion of the property taken away by the licensed free-looters could have been recovered. They were not recovered because there was no attempt to recover them. On the contrary, the free-looters carried their loot openly. We have the evidence of Ksharendra Chandra Das who says that, when he attempted to recover stolen property, he was prevented by a police constable by the name of Nur Ahmed with his gun, and was made to let a looter go.

On Monday, when the ruffians seemed to take more time than was apparently allotted to them, they were warned that they had to complete their work within a certain time—the prescribed limit of immunity.

It seems that a certain period was originally fixed, during which those who wanted to loot could do so in the utmost safety.

#### PEACE COMMITTEES

The disturbances lasted till Wednesday the 2nd of September. Peace Committees of Hindus and Mahomedans were organised, of which leading members of both the communities were members. But the situation was not in their control for the reason that there had been *no* 'communal friction.' In many cases Mahomedans rendered help to Hindu sufferers.

We must record, also, that the efforts of the Peace Committee were frustrated. S. Mahendra Nath Das, the Peace Committee's special constable was shown certain places on Wednesday where stolen things could still be found. He went to one of these places. He was told to go away by Sub-Inspectors (Darogas) Abdul Aziz, Siddique Dewan and Kanchan Mian.

We would also draw attention to S. Annada Dutta's letter to the Press. Mr. Dutta himself appeared before our Committee. Blame for the starting of disturbances had been sought to be fastened on some Hindu gentlemen. His contention was supported by evidence before us.

#### THE LOSS

It is difficult to estimate the total loss suffered by the people as a result of the disturbances. We have detailed of losses sustained by individuals; we have seen buildings burnt and destroyed, wholly or partially. We have tried to form an estimate. The loss must have been *very great*. Families, which have been well-to-do, were reduced to poverty; and it is certain that the looters took away a very large quantity of valuables. Even valuable documents were stolen or destroyed.

The sufferers have furnished us with particulars of money, valuables and other things actually taken away and also of things damaged or destroyed. There was the damage done to the "Panchajanya Press" staring us in the face, as also houses broken and burnt. We have not tried to put down the *total* loss at any particular figure. We have considered very seriously the problem of compensating the sufferers for their losses; but we cannot think how any voluntary, non-official agency can adequately compensate them. Redress, which law-courts can afford them under the existing state of the law, does not appear to be adequate. We recommend that the sufferers should have facilities of raising loans to re-establish themselves. But, above all, we consider it the duty of the Government of Bengal to come to their assistance in an effective manner.

The disturbances were not confined to the town of Chittagong. They were carried to the interior. In the hinterland of Chittagong a school was raided by uniformed European Police officers. The Headmaster was absent from the school that day. The school had both Hindu and Mahomedan pupils. The Assistant Headmaster went out to greet these Policemen—to show them "every courtesy." The courtesy shown in return by these men was (1) to ignore him, (2) to ask for the "leaders of the Hindu boys" in the school, (3) to parade some of the tallest Hindu boys, (4) to place them one after another, on a table, head downwards, to hold up their legs and to administer to their bare limbs ten to fifteen lashes. Even the Mahomedan boys, who happened to wear what are known as "Gandhi caps" were not spared. They left the school thereafter saying that they had taught the master how to administer a school. This is the reminiscent of the Punjab atrocities of 1919. This was not an isolated instance. It took place in the village of

Sharoatoli. Within the Thana of Patiya, other similar incidents occurred with the same kind of frightfulness.

One thing was clearly borne in upon us in our investigation of the incidents outside the town of Chittagong, namely, that in all the outrages which took place on Monday, Tuesday and Wednesday, there was nothing in the nature of a communal disturbance in these villages. In the systematic raid on private dwellings and their wanton destruction, there is no evidence that a single Mahomedan villager took any part. They were carried out under the orders of British officers by members of the Eastern Frontier Rifles, commonly known as Gurkhas. We give in an appendix to our report a list of some forty houses which were thus attacked. The raids covered several villages in the vicinity of Chittagong :—Gnatoli, Sharoatoli, Kantungapara, Sripur, Ropadia and Kharandaip. Some of us visited all these villages and examined the extent of the damages and recorded the statements of the inmates of the houses destroyed.

The method and manner of destruction in all these villages were similar. Houses were either burnt or wantonly damaged. Trees were cut down at their root. Every article of furniture was broken. Even railings in verandahs of houses were cut down. In some cases bamboo props were similarly destroyed. Out of vindictiveness the houses of the mother of the late Ramkrishna Biswas (who had already been hanged for a political offence) was burnt. The late Prasanna Kumar Sen's house was burnt, after the Police officers had enquired about a political "suspect." The alleged murderer of Khan Bahadur Ahanullah was brought to his village and made to witness the destruction of his house by the Police. In course of these raids on the villages, youngmen were indiscriminately beaten. Food-stuffs found in the houses were rendered unfit for human consumption. Even saris, quilts, wearing apparels were cut to pieces. Cooking utensils were ruthlessly destroyed. All this was done by day-light. It was pure terrorism carried with inhuman callousness by the Police with the help of Gurkhas.

We desire to record that there was no provocation whatsoever for these atrocities. In the course of these acts of wanton destruction, even houses of Government servants were not spared (e.g. the house of Bhakta Chaudhury in the village of Gnatoli).

We are compelled to draw public attention to the systematic demand of "summary justice" and use of physical force in a manner akin to reprisals, which for some time past, has been made by certain members of the European Association of Bengal and by some Indians who are styled "Loyalists" and "Royalists". Certain Anglo-Indian newspapers have supported this demand. The propaganda carried on by this section of the Press goes far beyond an attempt to discredit the Indian National Congress. It has been openly suggested that Congressmen are really responsible for the terrorist outrages in Bengal. Mahomedans have been vigorously urged to unite so as to divide India into a Moslem India and a Hindu India. On August 1st, the "Statesman" newspaper said editorially, of the Congress :—"In the eyes of every honest man they are guilty of murder. If the existing Government cannot discharge its functions, they must prepare means for finding another." Referring to the views of a section of Europeans in Bengal, that "nothing but a rigorous policy of reprisal and summary renegeance on the real authors of murder will check the evil", the "Statesman", while paying lip-service to law, does not hesitate to endorse the view that terrorism must be driven out by terror. It was in no spirit of academic discussion that this newspaper had a "leading article" on the 2nd of August which said emphatically :—

The picketing evil has got to be rooted out and merchants provided with the protection Government is unable to provide. And the so-called public bodies which are murder clubs in disguise require to be met by non-violent *Satyagraha*. *Satyagraha* is not non-co-operation. That is a doctrine with which co-operators can have nothing to do. Bengal is in a strong position to give an impetus. It is essentially the duty of the British community to give a lead to their Indian fellow citizens in this direction. Calcutta alone is full of disciplined men, many of them seasoned in war, trained in the use of weapons in self-defence, and well accustomed to protecting themselves and others."

We are not following, in our definition of cause and effect, the doubtful logic of *post hoc propter hoc*. We are unable to resist the conclusion that the things which happened in Chittagong would not have been possible but for the sense of immunity which certain people, and a certain class of people seemed to be able to rely on, in Bengal. The "Statesman" newspaper with great flourish published a sort

of 'black list' of offending newspapers in the Province, with the names and addresses of their editors and promoters. The "Panchajanya Press" of Chittagong finds place in that list. It is no part of our business to examine the supposed guilt of the "Panchajanya". But it is definitely our duty to tell the public what we think of the manner in which the men in charge of the Press, and the machinery, were subjected to a brutal attack by some people. It is obvious that the miscreants who were responsible for this wanton attack had felt sure that the Press could not be assailed except in defiance of law, and not by the aid of law.

It is outside the scope of our enquiry to scan the files of newspapers. But we should be failing in our duty to the public if we did not point out that for at least one month previous to the terrible happenings at Chittagong, a certain number of people, with easy access to fire-arms, and with a sense of security that is not warranted, at any rate, by the letter of the law, have been openly advocating the formation of murder gangs.

As we were sending our report to the Press, we saw, with amazement, in the newspapers, the reply of the Private Secretary to the Governor of Bengal, to the Secretary of the All-India Hindu Mahasabha who had written to the Governor about the sufferings of Hindu citizens of Chittagong. The Governor of Bengal, who, along with the Members of his Executive Council, has been away in Darjeeling, did not hesitate, even before the Enquiry ordered by his Government was terminated, to express an opinion on the Chittagong outrages, which, we hold, to be a bold attempt to mislead the public. We, therefore, append to our Report our letter to the Governor of Bengal, which speaks for itself. We have challenged the truth of the material of statement made on his behalf, which we declare to be contrary to evidence, and which we must regard as having been based on false information. These incidents which we have had to deal with pass ordinary belief; and the reports cannot adequately portray the scenes of horror nor describe the incredible callousness and inhumanity of those who were in charge of the Police and the general administration of the District. The question that needs an answer is this: How did these men, in the service of Government, acquire their sense of immunity, which alone could have emboldened them to perpetrate, with the resources of the Government, the unspeakable crimes with which we, on the evidence before us, charge them?

#### SUMMARY OF FINDINGS

1. The affairs of Sunday night were the result of concerted action by European non-officials, European officers and Mahomedan Police.
2. Monday's looting was with the knowledge of the local authorities and at the instigation of the police. It was started and carried on under the protection of the police.
3. In the mofussil, the disturbances took place under orders from the local authorities.
4. Behind the disturbances, which had been planned, the motive was to terrorise people, particularly the Hindus.
5. The following names have repeatedly been mentioned by witnesses, as being associated with the atrocities: Siddiq Dewau, Kanchan Mian, Pandeali, Azim Shooter, and Crawl all associated with the Police.

#### APPENDIX

1. The following appeared in the Press (vide 'Statesman' Calcutta Edn. dated 19-9-31):—

The following has been received by the General Secretary, of the All-India Hindu Mahasabha from the Private Secretary to H. E. the Governor of Bengal:—"In acknowledging receipt of your telegram of the 7th instant on the subject of the murder of Khan Bahadur Ashanullah at Chittagong and subsequent happenings there, I am desired by His Excellency the Governor to say that, while he welcomes the Mahasabha's condemnation of the murder, he entirely repudiates the implication contained in the last sentence of your telegram that the looting and disturbances which followed the murder were due to or encouraged by apathy or indifference on the part of the Government or its officers.

"His Excellency's information goes to show that it was wholly due to the foresight and energy of the local authorities that the trouble was so quickly suppressed."

11. On noticing the above statement on behalf of the Governor of Bengal, the Committee thought it necessary to address the following letter to him:—

The 19th Sept., 1931.

To

His Excellency Sir Stanley Jackson, P.C., G.C.I.E., Governor of  
Bengal, Darjeeling.

Your Excellency,

We, the undersigned members of the non-official Enquiry Committee (Chittagong Disturbances), are surprised to read in the newspapers (vide "Statesman," town edition, of to-day's date) that the General Secretary of the All-India Hindu Mahasabha has received from your Private Secretary a reply to their representation to you regarding the recent looting and disturbances following the murder of Khan Bahadur Ashanullah in Chittagong, repudiating the allegation that they were due to or encouraged by apathy or indifference on the part of Government or its officers, and making the definite statement on your behalf "that it was wholly due to the foresight and energy of the local authorities that the trouble was so quickly suppressed."

In spite of insistent public demand your Government did not institute any enquiry until after the Town Hall meeting in Calcutta on Sunday last. Meanwhile our Committee had gone to Chittagong, visited the scene of disturbances and examined a very large number of witnesses. The enquiry which your Government has ordered cannot possibly command public confidence inasmuch as the Divisional Commissioner, who has been entrusted with it, is one of the persons whose conduct is required—and requires investigation. The public are not aware of any findings of this official enquiry ordered by your Government; and yet you authorised your Private Secretary to make a statement which you knew would be challenged. We strongly protest against your coming to a definite finding in the matter without knowing the facts.

We do challenge the statement that "it was wholly due to the foresight and energy of the local authorities that the trouble was so quickly suppressed." Not only is that statement contrary to evidence, but it constitutes a curiously futile attempt to mislead the public. We challenge you to hold an impartial public enquiry, giving opportunities to the public to cross-examine witnesses produced on behalf of the local administration and to lead evidence.

It is apparent to us that you are not even now in possession of correct facts. The incidents which are the subject-matter of our enquiry are much too serious to be lightly dismissed by a mere official statement.

As you are probably aware, several cases of complaint by sufferers in the Chittagong disturbances were dismissed on the technical ground that the sanction of Government had not been obtained. If your Government is prepared to accord the necessary sanction for prosecution, your local officers, against whom definite allegations have been made, will have an opportunity of vindicating themselves.

As this is a matter of grave public concern, and as a statement has been made on behalf of the official head of the province, which we believe to be entirely incorrect, we are taking the responsibility of sending this to the press.

We have the honour to be,

Your Excellency's obedient servants,  
B. N. Shasmal, Akram Khan, T. C. Goswami,  
J. M. Das Gupta, Nripendra Chandra Banerjee,  
Satyananda Bose, N. C. Sen, J. M. Sen Gupta.

# The Congress Select Committee Report

## On the Financial Obligations between Great Britain & India

The following is the official summary of the Report of the Congress Select Committee on the Financial Obligations between Great Britain and India and was issued in July 1931 :—

The Congress Select Committee which was appointed by the Karachi Congress to scrutinise and report on the financial obligations between Great Britain and India submitted its report to the Congress.

The report is divided into three main parts. First, it scrutinises the totality of the transactions of the East India Company up to 1858, then the financial obligations since the transfer of the government to the Crown, dividing the obligations into (a) debts, that are not backed by any assets, and (b) debts which have created or left some material assets and lastly it gives its recommendations.

It is argued that during the whole period of the British rule burden has been undertaken by the Government of India with the assent of the people and therefore, at this time, it is necessary to examine such burdens with reference to their justice and propriety. It is also pointed out that "Public Debt" in India is not a "National Debt" for it is the result of the acts of the representatives of the British Nation as India had not even the "shadow of a constitution." However, the report recognises the fact that debts "incurred justly and for the benefit of the people of India" should be taken over by India."

### UNDER THE REGIME OF EAST INDIA COMPANY.

The history of the East India Company is sketched briefly to trace the transformation of a trading concern into a territorial power within two centuries. As the accounts of the territorial and commercial side of the East India Company were mixed up hopelessly the Committee accept as the starting point the amount of debt of the Company as at 30th April 1857 immediately before the "Mutiny" at the figure contained in the return of the Debt presented to Parliament in 1881 on the motion of Sir George Balfour. This stands at £51 millions. This is accounted for in the main by a few transactions as follows, in round figures :

	millions.
External Wars of the Company : 1st Afghan War	15
Two Burmese Wars	14
Expeditions to China, Persia, Nepal, etc.	6
Interest paid on the East Indian Capital, etc. 1833-1857	15
Total :—£	50 millions

### EXTERNAL WARS OF E. INDIA COMPANY

As regards the equity of charging the cost of the external wars, the following quotation from Sir George Wingate is of interest :

"Most of our Asiatic Wars with countries beyond the limits of our Empire have been carried on by means of the military and monetary resources of the Government of India though the objects of these wars were in some instances, purely British, and in others but remotely connected with the interest of India. They were undertaken by the Government of India in obedience to instructions received from the British Ministers of the time acting through the Presidents of the Board of Control and for all consequences they have involved, the British Nation is clearly responsible. The Afghan war was one of the most notable of these, and it is now well understood that this war was undertaken by the British Government without consulting the Court of Directors, and in opposition to their views. It was in fact a purely British War, but notwithstanding this, and in defiance of a solemn expression of unanimous opinion on the part of the Court of Directors and of a resolution of the Court of Proprietors of the East India Company that the whole cost of the war should not be thrown upon the Indian finances, the ministry required this to be done. By this injustice, ten millions were added to the debt of India. The late Persian War was proclaimed by the British Ministry in pursuance of a policy with which India had no real concern : but the war, not the less, was carried on by the

troops and resources of India, and one half only of the total cost was subsequently settled to be borne by the revenues of this country. India, in fact, has been required to furnish men and means for carrying on all our Asiatic Wars and has never, in any instance, been paid a full equivalent for the assistance thus rendered which furnishes irrefragable proof of the one-sided and selfish character of our Indian policy.

This is supported by John Bright who said in the House of Commons :—

"Last year I referred to the enormous expenses of the Afghan War the real burden of which ought to be thrown on the taxation of the people of England because it was recommended by the English Cabinet for objects supposed to be English."

It is recommended that this £ 35 million should be borne by Great Britain.

#### COMPANY'S CAPITAL REDEMPTION ETC.

The East India Company's Stock of £ 6 million was redeemed at a premium in 1874 by a payment of £ 12 million and interest had been paid at 10  $\frac{1}{2}$  per cent under the terms of the Chartered Act of 1833. These payments aggregate over £ 37 million as follows :—

Interest payments 1833-1857	£ 15,120,000
Interest payments 1858-1874	£ 10,080,000
Capital Stock	£ 12,000,000
Total :—	£ 37,200,000

In the words of the report, "as against this charge upon the revenues of India, India received no substantial benefit. It practically amounts to the purchase price paid to the East India Company for the surrender of such rights and properties as they may have had in the trade of India and for such properties as they then possessed. The actual charge was the outcome of the arrangement made between the East India Company's Directors and Proprietors on the one hand, and the British Government representing the British Parliament and the British public, on the other. In this the Indian people had absolutely no say, nor had their interests any consideration whatsoever. This arrangement cannot, in equity and good conscience, be held to be binding on the Indian people. India, as already mentioned, received no benefit from the transactions between the British Government and the Company's Directors, either in the shape of the assets claimed to be valuable and surrendered by the Company or in the tangible form of any special advantage such as that, which results from having sole charge of one's country's government or even from having a fair share of the opportunities of service and development of the country's resources. Indians were denied these privileges in their own country all through the Company's rule. The British Government, on the other hand, received many a considerable, as well as valuable, advantage from the operations of the East India Company, both as a territorial and a commercial body.

#### COST OF THE "MUTINY"

The next claim is in respect of £ 40 million, the cost of the "Mutiny" of 1857. As these operations were necessitated "by the mismanagement and misgovernment of India by those who were in charge of it, the British Government, for whom the Company was carrying on the Government of India at the time, is necessarily the proper party to shoulder that burden." The following extract from the letter of the Secretary Of State for India dated 8th. August 1872 is given in support of this claim:—

"The extraordinary case of the great mutiny of 1857-58 is the only case which gives even plausibility to the war office representation; in that case, altogether unprecedented in the history of British India, the Imperial Government was compelled, under the imminent risk of losing its Empire in the East, to make one of those efforts which are at times inseparable from Imperial powers and Imperial obligations. It must be remembered, however, that, if similar exertions had been called for by war in any other part of Her Majesty's dominions not only must the same effort have been made, but the burden of it must necessarily have been borne, in greater or it must part, at least, by the Imperial Government; but, in regard to the Indian Mutiny, no part of the cost of suppressing it was allowed to fall on the Imperial Exchequer; the whole of it was or is now being defrayed by the Indian taxpayer."

The case of the Boer struggle is referred to as an instance where this principle was acted on. In that case Britain not only bore the cost of the war herself but also paid £3 million to assist the Boers to restore devastated farms.

Thus the burdens and obligations which have fallen upon the people of India from the East India Company amount to over 112 million sterling made up as follows:—

Cost of the first Afghan War.....	£ 15,000,000
Cost of the two Burmese Wars .....	£ 14,000,000
Cost of the Expeditions to China, Persia, etc.	£ 6,000,000
On account of Company's Capital and dividend	£ 37,200,000
Cost of the Mutiny .....	£ 40,000,000
Total :—£	112,200,000

It is but fair that India should now claim to be relieved from the burdens of expenditures which were wrongly put on her shoulders."

#### INDIA UNDER THE BRITISH CROWN.

The financial transactions of the Government of India since 1858 have been considered in two sections: (a) those in regard to obligations described as "Unproductive", in which group come in items such as the Cost of External Wars, Miscellaneous Charges, Famine Relief Charges, Exchange Losses, etc.

#### EXTERNAL WARS.

Expenses aggregating to over 37 crores in connection, with the Alaskan Expedition, Second Afghan War, Military operations in Egypt and North-West Frontier, the Burmese War etc., are challenged on the ground that these were undertaken in Imperial interest, that is to say, in the interest of Great Britain, and India was not concerned in them at all. In support of this contention is cited the statements of Lord Salisbury, Lord Northbrooke, the Secretary of State for India, Sir Charles Trevelyan, Lord Lytton, Messrs. Fawcett, Gladstone, Gokhale, Sir D. E. Wacha and others.

As regards the European War (1914-1918), claims under two heads are made: (1) The return of the War "Gifts", and (2) a share of the War Cost. The first claim amounting to 189 crores is made on two grounds:—

(a) That the Government of India, under the Statutes by which it is regulated, had no power, whatsoever, to make a gift to Great Britain out of the revenues of India, and therefore the "Gifts", being illegal transactions, should be returned.

(b) The amount was beyond the financial ability of the people of India and that India had contributed, a part from these financial "Gifts", by way of men and material far in excess of the contribution of any of the Dominions.

The second claim in respect of part of the cost of the Military operations amounts to 171 crores. This is arrived at by adopting as Standard Military expenditure the amount spent in the year 1914-15, and the excess over such Standard between 1915-16 to 1920-21 is claimed.

Thus, under this head of "External Wars", a claim of over 397 crores is made.

#### MISCELLANEOUS CHARGES

The expenses incurred in the maintenance of India Office, Aden, Persian and Chinese Consulates, Ecclesiastical Charges, etc., estimated at £ 20 million, are challenged on the ground that these are Imperial charges, and so should fall on the Imperial Exchequer and not on India. Here, again, the claim is supported by the opinions of Maj.-Gen. Collen, Mr. Stephen Jacob, C.S.I., the Welby Commission, etc.

#### BURMA.

It is claimed that the deficits of Burma budgets since 1886, aggregating to about 15 crores and the interest charges and the Railway deficits of about 22 crores and a share in respect of the expenses of Indian defence calculated at 1 crore a year amounting to 45 crores for the period since 1886 aggregating in all to 82 crores, should be made good to India. (One member of the Committee is of the view that the claim in respect of Burma should not be made except in the event of the province being separated).

## FAMINE RELIEF CHARGES.

Expenses and burdens imposed by these measures are recommended to be borne by India as these were incurred in her interest, however wastefully it might have been administered.

## EXCHANGE LOSSES.

It is pointed out that the country has suffered incalculable damage both in regard to its trade and as regards the depreciation of its silver wealth as a consequence of the Exchange and Currency policy of the Government. No claim is, however, suggested, and the losses are looked upon "as the Price India has had to pay for the general financial incompetence and 'mismangement', of its administrators.

## REVERSE COUNCILS

This is described as the "most lamentable" operation, and the losses resulting from these transactions, amounting to about 35 crores, it is claimed, should be made good by Great Britain.

## RAILWAYS

The policy of encouraging Railway construction by the system of Guaranteeing interest on the Capital sunk has led to considerable waste, and in many cases the cost per mile of a Guaranteed Railway is double that of a State built Railway. Extravagance is strongly criticised. Many or most of the Railways were built for Military considerations, and only of late they have been able to pay their interest. Strictly, a considerable amount of this so-called "developmental" expenditure should be charged to Military expenditures. Be it as it may, the recommendation is to limit itself to only the expenses of admittedly strategic lines in the N. W. F. India and at Aden costing about 33 crores, which should be paid by Great Britain.

When the Railway properties were acquired by the State, the acquisition was made under conditions that added considerably to the burdens of the People. The Companies were entitled, under the terms of their Contracts, to be paid the market value of their Shares or Stock, at the date of acquisition. Because of the Guaranteed Interest payments, the Market Price of these Stocks and Shares went up enormously when the State was about to acquire the properties. The Companies thus obtained a high price which was not warranted by their assets or by the return from their revenues. This is an unjustifiable burden to be imposed on the People of India amounting to about 50 crores.

It is further pointed out that the fixed rate of exchange provided in the Contracts of the Railway Companies occasioned enormous losses to Indian revenue, but the actual amount of loss is difficult of determination, and the Committee submits that a deduction on this account must be made before taking over the debt said to be incurred on Railway account.

As regards the other "Productive" debt items such as Irrigation, Posts and Telegraphs, etc., no claim is suggested although the extravagance of building a new Capital at Delhi is criticised and the Back Bay Reclamation Scheme in Bombay is condemned.

## THE TOTAL CLAIMS

The total claims advanced are as follows :—

	Crores	Crores
Under the Company		
External Wars	35	
Capital and Interest	37	
Cost of Mutiny	40	112
Under the British Crown.		
External Wars	37	
European War : "Gifts"	189	
Cost	171	397
Miscellaneous Charges		20
In respect of Burma		32
Reverse Council Losses		35
Railways		33



## RECOMMENDATIONS

The present "Public Debt" of India amounts to over 1100 crores. Taking into consideration the ever-growing material and political gain to Great Britain as the result of possessing India, and in consideration of the suppression of Indian industries and talents the Committee recommends that Great Britain should follow in dealing with India the precedent she set in releasing Ireland of her share of the National Debt of the United Kingdom, when Ireland was made a Free State. "Every principle of fair-play now requires that if India is to start on a new era of National Self-government, it should start freely and without any burden, if any progress is to be achieved at all. India cannot afford to bear any additional taxation. The only possibilities of progress for India, therefore, are the application of the National purposes, and it is only by reducing the national expenditure on the civil and military administration of the country to suit its own requirements and freeing India from the public debts not incurred in her interests, that saving can be effected which would be applicable to the advancement of India in the matter of education, and sanitation and other national means of regeneration."

If these two claims advanced by Mr. Kumarappa are to be admitted, they in themselves will be sufficient to wipe out the whole of the Public Debt apart from any other consideration.

There are certain aspects of the problem of India's "Public Debt," in point of law as well as general policy, which have been developed in Mr. Shah's elaborate annexure.

The report is unanimous. Mr. J. C. Kumarappa has added two notes.

In the First Note, it is suggested that a claim be made in respect of annual Military Expenditure on such amount as may be shown to be due to Imperial interest as apart from the requirements of Indian defence. A standard is adopted and over and above that whatever is spent is to be borne by Great Britain. According to the calculation given about 540 crores, out of a total expenditure of 2128 crores, would seem to be due to be returned.

The Second Note deals with Interest payments on claims. There it is suggested claiming all interest payments made in respect of the items challenged in the report. The calculations show another 536 crores, out of a payment of 1050 crores, would appear to be due to be given back.

If these two claims advanced by Mr. Kumarappa are to be admitted, they in themselves will be sufficient to wipe out the whole of the Public Debt apart from any other consideration.

There are certain aspects of the problem of India's "Public Debt," in point of law as well as general policy, which have been developed in Mr. Shah's elaborate annexure.

## The Bardoli Enquiry Report

On August 28, 1931 a communique was issued by the Government of India announcing that Mr. Gandhi would attend the Round Table Conference as the representative of Congress, that the settlement of March 5, 1931 would remain operative and that enquiry would be held into matters relating to the collection of Land Revenue in certain villages in the Surat District. The terms of reference of the enquiry were to be as follows:—

### TERMS OF REFERENCE.

"To enquire into the allegations that Khatedars in the villages in question, were compelled by means of coercion exercised through the Police to pay revenue in excess of what would have been demanded if the standard had been applied which was adopted in other villages of the Bardoli taluka where collections were effected after March 5 1931 without the aid of the police, and to ascertain what sum, if any, was so paid. Within the terms of reference evidence may be produced on any matter in dispute".

On September 26, 1931, the Government of Bombay announced that Mr. R. G. Gordon, I. C. S. Collector of Nasik had been appointed to hold the enquiry. Mr. Gordon opened the enquiry at Bardoli on October 5.

#### ABRUPT CONCLUSION

On November 13, the enquiry came to an abrupt conclusion as the parties making the allegations—Congress and the Khatedars—withdrew and declined to take any further part in the proceedings and Mr. Gordon proceeded to prepare his report on the basis of the evidence recorded up to that date. His report, dated 14th December, has now been presented to Government and is published for general information.

#### ENQUIRY INTO ALLEGATIONS

In his record the Enquiry Officer points out that he had to enquire into the following allegations :—

(1) the khatedars in the villages concerned were compelled to pay revenue on a standard higher than that adopted since March 5, 1931 in other villages of the same taluka.

(2) that these demands were enforced by coercion exercised through the police and that he had to report ;

(3) what was the sum, if any, so exacted.

In commenting on these issues the Enquiry Officer points out that the names of villages were not stated in the terms of reference and had to be settled as part of the enquiry. He adds :—

"Of the two main issues the first recording the collection of revenue is clearly the most important ; that regarding the action of the police is secondary : in fact, in the event of the first issue not being proved the second does not properly arise as the "coercion" referred to in terms of reference is "coercion to make excess payments" and not "coercion" in and by itself. I make these remarks in view of the efforts which have been made during the enquiry to force the Police issue to the forefront as the main issue and as independent of its connection with the payment of revenue.

"In the first issue the most important question is that of the standard of demand which was adopted in the other villages of the taluka, as this is the touchstone by which the issue as a whole, whether the payments made by the khatedars in the villages concerned were in excess, can alone be judged. In this connection I may remark that the phrase "standard of demand" must be interpreted as meaning "standard of collection" as "demand" is a technical word meaning the whole amount standing in the revenue papers as due from the khatedars and there can be no "standard" applicable in this case ;

#### A PLAIN MATTER OF FACT

"According to the terms of reference the question of this "standard" is one of plain matter of fact relating to conditions within the Bardoli taluka alone and having no concern even with other talukas in the same district. The date "March 5th" as it appears there is merely a point of time defining the period within which the Enquiry Officer is to confine his investigations.

"Here again I have to make this point at the outset because of the attempts which had been made by the Counsel for the Congress during the course of the enquiry to extend its range into altogether unauthorised regions. It has actually been claimed that the mere mention of the date "March 5th" is sufficient to authorise the Enquiry Officer to investigate the manner in which the Government of India and the Government of Bombay have implemented the terms of the Delhi Pact on the ground that because March 5th is the date of the Delhi Pact and because the parties to the Pact and this enquiry are the same, therefore, the mention of the date "March 5th" must mean that the question of how the Delhi Pact has been implemented must be a point at issue in this enquiry ; not merely so but that it also gives authority to enquire how the Pact has been implemented in other district ; and to call for all the papers from both Government and from other districts for this purpose. It is hardly necessary to say that the terms of reference authorise no such investigations and that it was quite impossible to accede to these demands."

The Enquiry Officer states that the only organisation which appeared before him was the Congress represented by Mr. Bhulabhai J. Desai, Barrister-at-Law. Congress was the real complainant who brought the khatedars, made all arrangements for

them, produced their documents for them and made them appear or not as suited the Congress case.

#### MR. BHULABHAI'S STATEMENT AND DEMAND

From October 8 onwards the examination of the khatedars from the villages was proceeded with and the Enquiry Officer visited several of them. On November 6 Mr. Bhulabhai produced a long written statement asking for the production of a mass of documents, including orders, directions and notifications of the Government of India and the Government of Bombay issued for the purpose of implementing the terms of the agreement of March 5th and all local orders issued in different districts; etc. On November 13 the Enquiry Officer issued orders refusing the request. In his report he says that the main reasons for the refusal may be summarised as follows :—

"(a) that the Congress, after having up to date conducted the whole case on the basis of the "no borrowing standard" had now come forward to say that they did not know what the standard was and had none to put forward. Hence the request for papers was merely a 'fishing' inquiry with the object of going through the Government papers in order to try and find some grounds for a case against Government on the basis of evidence provided by Government :

"(b) that as the case for Congress depended solely upon the evidence to be provided by Government regarding the standard it was their duty to have asked for papers long before and not when three-fifths of the evidence had been recorded.

"In this connection I may add that as regards the first class of papers viz., the orders of the Government of India and the Government of Bombay, request for their production had already been made on October 22nd and refused on October 31st, yet no protest was made at that time, though according to the subsequent statement their production was essential to the Congress case.

"(c) that the papers covered a very wide range and were quite undefined, and that the terms of reference had no connection at all with the Delhi Pact.

"(d) that documents which came into existence after the date of the visits could not have any bearing on the question of the standard at that period unless they contained admissions.

#### WANTED "REASONABLE REQUEST"

"Finally I added :—

"If any reasonable request for the production of the documents which are really shown to have a bearing on some definite case put forward by the Congress and having relation to the terms of reference are put forward I will do my best to accede to them but it is impossible to agree to the vague and unreasonable demands made in the reference now in question."

The Congress then withdrew from the enquiry. Government decided to call no more witnesses. The Enquiry Officer also considered it undesirable to call any Government officers to give statements before him as to do so would have given cover for charges against the impartiality of the enquiry. In the remainder of the report therefore no evidence is taken into account save that which was given in the presence of the Congress.

The report then proceeds to consider and discuss the evidence. Eleven villages were admitted to the enquiry, eight in Bardoli Taluka and three in Valod Mahal, and evidence was recorded for seven of them. Notices were issued to the other four villages but no one came forward from them and they are left out of consideration in the report. The general allegations made were that a revenue officer or officers accompanied by a police party visited these villages and that on their arrival the police were employed, either to prevent the khatedars from going to or leaving their houses or from going into the fields or to prevent people or cattle leaving the villages. The khatedars were then directed to be present and pay their dues.

#### BORROWING BY KHATEDARS

It is alleged that in every case the complainant khatedars, who numbered 62 out of the 146 from whom collections were made at the time of the visit, had to go out and borrow for the purpose of paying the amount of the land revenue collected on that day. In support of the allegations 135 witnesses were called and the report

reviews their evidence in order to see what light is thrown on the allegations made against the authorities of the Surat district in the collection of land revenue.

#### COMMENTS ON EVIDENCE

The report then discusses the evidence produced and the Enquiry Officer comments as follows upon some features of the evidence as regards borrowing in general :—

"(a) In 25 cases the lenders are the close relatives of the borrowers ; either an uncle or a cousin or an aunt, etc. These circumstances as they stand of course connote merely temporary family arrangements and not true borrowing.

"(b) In no case is the lender a 'Savkar' even though most of the khatedars are in debt to savkars. There is a case of a goldsmith and of a blacksmith and a couple of vegetable sellers who are alleged to have lent money, but no savkar at all. The persons who are said to have done the lending in the six Kunbi villages are practically all kunbis of the same village as the borrower, except in the case of Timberva where for some reason or other which is unexplained 8 out of the 10 khatedars according to their statements went out miles into the Gaikwari territory in heavy rain, or in one case to Bardoli, to borrow.

"(c) In only 5 cases are any documents produced; in all the other cases the borrowing was by oral agreement without even a record of any kind. Also in only two of these cases was any third party stated to be present at the time of the loan so that there is no corroborative evidence that it was made nor could it be proved without

another striking feature is the case with which the money is said to have been obtained. The usual formula in the evidence is: "I was told to find money so I went and got it from—so and so". In only a few cases does a man say that he had to go and hunt for a lender. What he wants he gets without any difficulty on the promise to pay at the harvest. In one case (Hira Kunverji of Timberva) Rs. 250 are stated to have been lent without security by a man from the Gaikwari territory, without even knowing him or seeing him, on the word of another man. In another case (Parsotham Daya of the same village), a servant was sent without even a letter to a Gaikwari village some miles off and he was given Rs. 100 immediately by a man who had never lent money before.

"(e) In every case about which this evidence was given the interest is stated to be 6 per cent only."

"The picture here presented by the witnesses is certainly not that of a helpless peasantry driven to raise loans from money-lenders at high rates of interest, but of khatedars who borrow in a friendly way from their relatives or from people who at any rate are not in any sense of the term "moneylenders" and who come mainly from the same village and are of the same caste, on an exceptionally low rate of interest, which any business man would jump at, and get the money required immediately without any security or indeed even any witness to prove the transaction on the mere promise to pay at the next harvest.

#### POLICE ACTION

The second part of the Report deals with the evidence tendered regarding action taken by the Police, and it is pointed out that this is solely that of the khatedars and that none has been taken on behalf of Government except the partly heard statement of the Mamladar of Bardoli. It is also pointed out that in no case is there any allegation of force or violence having been used by any policeman except in that of one Sitaram Ganpat. No khatedar or witness alleges that he was even touched or that any personal restraint was exercised upon him.

The report proceeding to summarise the evidence says :—

"It is clear that the allegations are mostly of that general and miscellaneous kind which are easy to make and which quoted in the mass give the impression that something bad at any rate must have occurred. Nothing is easier than to say, "The Fauzdar abused me" or "told me to pay revenue" or that "4 or 5 constables came to my house;" and it is equally easy to create prejudice by quoting such cases at large as though their very number had made them true. But ten untruths do not make one truth, nor do ten uncorroborated statements make one corroborated statement, and no judicial court could think of taking merely general statements of this kind seriously. Even one case definitely proved would have its effect, but in no case has this been done. In these circumstances and in view of the fact that no rebutting evidence of the Government officers has been

heard, all I can do is to make remarks on such points regarding which it seems possible to arrive at any definite conclusions on the basis of the evidence produced."

#### "ALLEGATIONS VANISH INTO THIN AIR."

After reviewing this evidence the Enquiry Officer says :—

"Tested by the facts given above the allegations made in Mr. Vallabhbhai's telegrams seem to vanish into somewhat thin air, so far as these villages are concerned. Of Police persecutions such as could be termed "intolerable" there is no trace at all ; and even on the evidence as it stands the utmost that could be said is that possibly the Police were used to tell people to see the Revenue Officer before going to their fields, and even on this point the rebutting evidence of the Officers concerned has not been heard. The force which is alleged to have completely surrounded and blockaded the two large and straggling villages of Khoj and Pardi which are situated side by side and were dealt with on the same morning, was 6 constables, and in Bardoli there is no complaint at all, harrassment and filthy abuse, while the story of the breaking open of the backdoor of a Mahomedan's house and the assault on two children is not even attempted to be proved.

#### "INVOLVING HEAD CONSTABLE IN TROUBLE."

"In fact it is pretty clear that this latter incident, which formed the subject of a special telegram to Mr. Gandhi, was in its existing shape one of a series made up to involve Head Constable Sitaram Ganpat in serious trouble on account of his Congress activities."

The Enquiry Officer then sums up his general conclusions as follows :—

"(1) As regards the first issue, there is no evidence at all that Khatedars in the villages concerned were forced to pay revenue on a higher standard than adopted in other villages of the same taluka after March 6th. As regards the evidence produced, even on the ground selected by the Congress, that of the 'no borrowing standard,' which itself was never attempted to be proved, that evidence must be pronounced highly unreliable, and in some cases deliberately false, while the cases of some 25 per cent of the complainants do not fall within the terms of reference.

"(2) As for the second issue regarding the allegation that the excess payments were enforced by coercion exercised through Police, in view of the failure of proof under the first issue it does not properly arise. Taking the allegations, however, as they stand even without the rebutting evidence of the Officers concerned, the only charge which could stand as requiring investigation is that of using the Police to call khatedars to see the Revenue Officer and telling them not to go to their fields or loose their cattle till they had done so ; and this is not coercion. In any cases suspicion is thrown over the whole matter by the deliberate attempts made to involve one particular Police Officer in trouble by trumping up false charges against him.

"(3) The third issue, that of the excess amounts paid, does not arise."

The Governor in Council, Bombay accepted the conclusions reached by the Special Officer.

## THE CONGRESS REJOINDER

Sardar Vallabhbhai Patel, President of the Congress, and Mr. Bhulabhat J. Desai, who appeared on behalf of the khatedars and the Congress, issued the following joint statement to the "Indian Daily Mail" in regard to the report :—

"On November 13, the Congress and the Khatedars concerned withdrew from, and declined to take further, part in the proceedings relating to the Bardoli inquiry, which was ordered by the communique of the Government of India dated August 28. At the time of withdrawal counsel for the Congress gave his reasons for the step which was taken. Thereafter the Government published a communique on November 23 and the same was answered by the president of the Congress council on November 25.

#### JUSTIFICATION OF CHARGES

Having regard to the reasons for the withdrawal the Congress and the Khatedars concerned treated the matter as closed inasmuch as they had a moral justification

of the charges made, and there was little or no material gain to be made out of the result of the inquiry. The Enquiry Officer, however, issued a proclamation stating that the proceedings would continue.

It was soon realised by the Officer and the other officers concerned that no khatedar was likely to appear before them or have his complaint examined. It also appears to have been realised that even an "ex parte" examination-in-chief of the Officials concerned was a matter which the Government did not venture to undertake; for even an attempted rebuttal would have disclosed the defect in their defence. Proceedings thereafter were abruptly closed and the Enquiry Officer has submitted a document called a "report". The Government have published a communique accepting the conclusions as stated in the "report".

#### INACCURATE AND ILLOGICAL REPORT

On even a cursory perusal of the "report" it is obvious that it is inspired by a feeling of intense irritation and unconcealed hatred of the Congress, whose representative succeeded after great efforts in compelling the Government of India to agree to the inquiry. The only purpose of a "report" under the circumstances under which the inquiry came to an end, could be and was the whitewash of the actions of the revenue and police officers concerned. Be that as it may, the report is lacking both in accuracy and logic as well as in the application of legal principles in weighing the evidence which had been produced prior to the trial.

It has, however, become the unpleasant duty of the Congress and the khatedars to reopen the controversy which they treated as closed and offer their own version of the proper conclusions to be drawn from the evidence which has been produced, and they are in this somewhat fortunate position (which the Government obviously cannot claim) that the Congress and the khatedars are further entitled to draw legitimate inferences drawn from the withholding of the evidence by their opponent.

From the very commencement of the inquiry it was obvious that the Government wanted to prevent the Congress, if possible, from appearing at the inquiry and conducting the same in the interest of the khatedars. The object was obvious, that if the Congress was not allowed to appear it might be easy then to deal with individual khatedars, to bully them into submission. The Government pleader's vehement opposition to the right of the Congress to appear fairly indicated the situation. Having regard, however, of the Government of India, which on a true construction showed that the inquiry resulted from the conversations of the Congress representative on the one hand, and the representative of the British Crown on the other, and having regard to the statement of the Congress counsel, that the khatedars were not prepared to join in the inquiry unless the Congress, through their counsel, was held entitled to conduct the same, the inquiry officer was obliged to hold that the Congress was entitled to appear and conduct the inquiry through counsel.

#### VILIFICATION OF CONGRESS

An attempt was thereafter made to dissociate the Congress from khatedars by raising a question as to the right of the Congress counsel to appear for the khatedars concerned. That attempt was also unsuccessful because every khatedar concerned had given his statement in writing to the Congress workers relating to the circumstances, the subject of the inquiry. Throughout the proceedings, unchecked by the inquiry officer, the advocate for the Government indulged in most offensive language towards the Congress and its representatives, and he ridiculed the khatedars who were loyal to that organisation. One of the main conclusions of the report, therefore, has not come upon us as a surprise, though one should have thought that the demands of courtesy, if not of judicial restraint, would have prevented such an outburst.

#### THE STANDARD

That is the handicap with which the inquiry began. The counsel for the Congress, while opening the case, made as clear as it was possible to do, what was the 'standard' referred to in the issues framed by the inquiry officer and in fact it was understood so clearly that thereafter the accepted phrase "no borrowing standard" was used for the purpose of describing the Congress case on the question of "standard". The following passage occurs in that opening:

"As regards the 'standard' it has been maintained throughout the assistance given by the Congress in the collection of land revenue after the truce that the only fair and sensible standard to be adopted is the measure of individual ability to pay, having regard to the actual financial state of the khatedar concerned (not omitting from consideration the act that his means had suffered by reason of the hijrat)."

In that opening the following statement of Mahatma Gandhi was quoted as containing a most definite describing of what the "standard" was :

"So far as the terms of reference to the enquiry officer are concerned I have distinctly understood that the standard referred to therein means ability to pay without borrowing."

Mahatmaji made it further clear in that statment that that was the distinct understanding between him and the Collector of Kaira and the Collector of Surat as regards the khatedars affected by the civil disobedience movement and that it was repeatedly brought out in their conversations.

It was further stated that though documentary evidence on the question of standard was sufficient, if it became necessary, the oral evidence of Mahatma Gandhi could be given to prove the same.

It was also pointed out that the documentary evidence would include : (1) the contemporaneous correspondence relating to the taluks of Borsad and Bardoli, in so far as the cessation of the no-tax movement was concerned (which was part of the agreement of March 5) the same related to those areas as a whole, (2) all the documents in the possession of Government in the form of orders, resolutions implementing the Delhi Pact particularly in regard to the collection of land revenue on the cessation of the no-tax movement and (3) the oral evidence of Mahatma Gandhi.

From the very outset the enquiry officer appears to have been unduly influenced by the idea that the "standard" issue was more important than the coercion issue. Repeated respectful attempts were made to disabuse him of the supposed difference. The only explanation that can be given of his maintaining the supposed difference is that according to his erroneous understanding (in which he persists in the 'Report') the only available evidence on the question of standard was that of Mahatmaji, that he was absent in England, that he was not likely to be available for examination before him, and that, consequently, if according to him there was no satisfactory evidence on the standard issue, the issue as to coercion could be shirked or treated as unimportant.

#### ERRONEOUS STATEMENTS

In two places in the 'report' he has made obviously erroneous statements. In para 8, he states :—"On November 6, however, in his oral statement on the subject of the production of papers referred to below, Mr. Bhulabhai made the surprising statement that the 'standard' was in point of fact undefinable, that he knew nothing about it, and that only Mr. Gandhi knew, thus falsifying the whole of the Congress case up to date and in fact almost automatically leading to withdrawal, apart from the question of the production of the papers."

In para 11 of the report, the following passage occurs :—"These requests were combined in Mr. Bhulabhai's address on the subject with the statement previously referred to, that the Congress now did not know what the 'standard' was nor could it define it but that only Mr. Gandhi knew, and it was finally also intimated that unless a decision on the production of papers was in favour of the Congress it would withdraw from the inquiry."

#### "A CLEAR CONTRADICTION."

These statements are clearly contradicted by the case on the question of 'standard' as above. The same point was made further clear by the letter of the Congress counsel of October 22 in which the concluding words are :—"In conclusion, I should like to say again that our case is that having regard to the terms of the agreement as examined above, no defaulter was to be obliged to pay except from his own depleted resources and, therefore, he was not to be obliged to pay if he had to borrow for the paying."

#### MAHATMA AS WITNESS

One can only express one's regret that notwithstanding such defined and clear position it should be possible to attribute to the Congress counsel statements of the

above kind occurring in the report. Those statements could not have been made, and were in fact not made.

It is equally untrue to say that there was no intention of calling Mahatma Gandhi as a witness because his statement on 'standard' was tendered in evidence. Such an inference could not be drawn by any person approaching the question from a judicial point of view, for a counsel conducting a case is entitled to use and would endeavour to use, every piece of evidence at his disposal.

But from the tendering of such statement in evidence it is not legitimate (except in the case of a preconceived wrong assumption) to say that the only evidence on the question of 'standard' was or could be the oral evidence of Mahatma Gandhi, or that it was not intended to call him. Even if it were the only piece of evidence, it was made perfectly clear to the enquiry officer that, if the inquiry was allowed to proceed in a judicial way after proper discovery and inspection, Mahatma Gandhi would be produced as a witness before the conclusion of the inquiry.

In this connection, it was perfectly obvious that the term 'standard' must have been used by common consent in the communique ordering the inquiry. There could be, therefore, no doubt in the minds of the parties who framed the communique as to what was meant by the term 'standard'.

Mahatma Gandhi's statement as to what it meant had been put forward at the opportunity and it would be idle even for a revenue official to question the statement of Mahatma Gandhi.

On the other hand the fact remains that officers concerned did not even venture to suggest (though there was no fear of cross-examination) as to what according to the 'standard' of revenue collections after the Delhi Pact of March 5, 1931, the graph prepared by the inquiry officer, which was shown to the Congress leaders, really proved that there were no revenue collections worth the name till the first week of March, that they had reached the maximum in the month of April, and that, on necessarily diminished as the balance to be recovered grew less and less.

It could not be denied that Mahatma Gandhi, the Congress President and other workers made untiring efforts to assist in the collection of land revenue purely as a matter of honour. So that it is quite clear as to what the "standard" contended for was and what was the evidence in support of it.

The correspondence with Mr. Perry and Mr. Kothawalla, which is reproduced in the opening address of the Congress counsel, prove the "standard". It was reinforced by Mahatmaji's statement.

It could have been amply corroborated by the introduction of the Government documents which have been withheld, and the Government officials concerned had not even the courage to deny it in an 'ex parte' examination-in-chief, for they were conscious that even to deny it involved them in further questions as to what according to them was the "standard" applied from and after March 5.

#### CONGRESS ALLEGATION UNREBUTTED.

It is unnecessary here to repeat the reasons entitling the Congress and the khatedars to the production and inspection of relevant documents. The matter has been dealt with fully in the earlier publication of the "Case for Bardoli" and no attempt has been made to rebut as a matter of law or of justice, equity and good conscience.

Before quitting this subject, it may further be observed that the cross-examination of the khatedars and their witnesses was mainly directed to question the statement made by them as regards the necessity to which they were put, for borrowing the monies which were paid on the dates of the police visits.

#### FOUR ERRONEOUS SUPPOSITIONS.

This part of the report is founded on four erroneous suppositions :—

(1) That the inquiry officer was called upon to inquire as to why the khatedars in question were defaulters as regards the arrears standing in their names in previous years.

(2) That the khatedars concerned were not entitled to any special consideration by reason of their crops and their means having suffered on account of the "hijrat" and the severe coercive processes during the Civil Disobedience movement.

(3) That because some "hijrati" khatedars had still means left to pay the revenue they were able to lend money under such emergencies to their oppressed brethren. Every "hijrati" ought to have had similar means; and

(4) That in considering the ability of the khatedars to pay the outlay on the



bare necessities of life was to be considered only after the fulfilment of the supposed obligation to pay arrears of land revenue.

#### EXCEPTIONAL CIRCUMSTANCES.

The examination of the evidence is further vitiated by the failure of the enquiry officer to appreciate that the "standard" had come into existence as the result of very extraordinary and exceptional circumstances which were regarded as sufficient by the Government, who appointed him as justifying an agreement for Truce between the Congress and the khatedars who supported it on the one hand and the Government on the other. In fact this very consideration which ought to have weighed in favour of the khatedars concerned became a sore point with the inquiry officer, thereby influencing judgment in the wrong direction. He states as follows :—But further, nearly 50 per cent of the alleged loans came from the near relatives of the hijraties who themselves went on hijrat so that we have hijraties proving that they as a class cannot pay the assessment by the evidence of loans borrowed from hijraties. This method of dealing with them as a class is obviously wrong for the means of individuals must necessarily vary.

He further relies on the fact that no lender was shahukar. The circumstances of coercion was such and the immediate arising therefrom necessarily led them to repair to the nearest available lender. While, on the one hand, the Government profess to be keen on keeping the agriculturist from the clutches of the money-lender it is somewhat surprising that the fact that the monies were not borrowed from shahukars should be a matter of comment.

#### POLICE COERCION.

He next treats as a striking feature the supposed ease with which the loans were obtained. The reason was given by every khatedar; who deposed to the borrowing, as well as by the lender himself. They stated that if under circumstances of police coercion and during the busy transplanting season they did not relieve their brethren they would be failing in their duty; and most of the lenders in fact paid away the bulk of the money which they had reserved for the purpose of meeting agricultural expenses and even their own household expenses until the next harvest. Further, it appears from the evidence already recorded that these expeditions were arranged so as to put effective and immediate pressure on the khatedars. The seedlings were ready for transplantation and had been in many cases uprooted with a view to transplanting the same and even a day's delay would have withered them.

Added to this was the prevention of cattle being taken out and the khatedars and their servants entering their houses for taking food. These circumstances rendered it still more necessary that such money as could be found from the nearest source should be borrowed to pacify the officials. It is almost shocking to think that a revenue official claiming to be acquainted with village-life should fail to understand what it means to an agriculturist the withering of seedlings (often involving a loss of the season) and the starvation of their men and cattle and these methods are stated to be "mild measure of coercion" as compared with what is said occurs in the Deccan.

#### FANTASTIC TESTS.

He next refers to the fact that interest at uniform rate of six per cent. was stated to have been agreed upon. It is difficult to understand the meaning of this comment. If the inquiry officer support that each time there was a bargain for interest varying by a pice or his knowledge must be poor in the extreme. In certain areas and in certain relations a uniform rate of interest prevails, which is not even often mentioned but always impliedly accepted.

These are the main reasons given by the inquiry officer for arriving at the conclusion which is not clearly defined viz. that the monies though borrowed were not borrowing within the meaning of the terms of reference. The nature of the finding is eloquent as showing that the Government failed to show by their cross-examination that the story of borrowing was untrue, and therefore the inquiry officer had to fall back upon a quibble that what was borrowing was not borrowing, because it was at the uniform rate of interest, that it was not borrowed from shahukars, that it was lent with ease and that it was produced within a short time. The people who commonly suffer would appreciate the effect of

intimidation of the police and would render willing assistance to those who were further coerced during those days. The tests laid down by the Inquiry officer for the purpose of finding out whether the borrowing was a borrowing or not are very fantastic.

#### EXAMINATION OF PAYMENT.

The findings of the inquiry officer involve and almost completely prove that the story of the khatedars that they had borrowed monies in order to pay remained unshaken by cross-examination. That they were obliged to borrow and pay equally proves that the payment exacted was in excess of the "standard," for from the commencement up to the withdrawal that was the "Shandard" maintained, that was the "standard" of which there was obvious proof already before the inquiry officer, and that was the "standard" which, if necessary, could have been corroborated by the oral testimony of Mahatmmaji.

Dealing with the details of the wherewithal of the khatedars concerned, and the erroneous inferences of the inquiry officer the Congress reply states that the cultivators keep no regular accounts of their produce or its disposal, or of the value of the crop reaped and the price obtained. Therefore corroborative testimony wherewithal of the khatedars concerned could not be produced.

The inquiry officer lays stress on the fact that documentary evidence of borrowing is not forth-coming, but if the fact of borrowing is not seriously contested (the reply) it is difficult to understand the comments on the absence of documents. The pledged word of the khatedar of Bardoli has moreover always been accepted as better than a document. In summing up the argument on the issue of standard rent and borrowing the Congress states: The means having been proved to have been exhausted and the borrowing substantially made out, the standard being proved and remaining unrefuted, the only binding on the first issue could and ought to have been that the demands made and the payments exacted were in excess of the standard in the case of each khatedar concerned."

#### OFFICIAL ADMISSIONS.

On the second issue of the police coercion, the report of the Congress states:—

It was admitted by Government that eleven villages fell within the term of the inquiry. It was therefore equally admitted that those were the villages which were visited for the purpose of collecting land revenue "by an organised expedition of combined forces of revenue officers and the police." The only effort made by Government to support the use of the police otherwise than for the purpose of intimidation and coercion was that the police were taken for the purpose of protection of the revenue officials and they intended to levy attachments. The inquiry officer has not upheld the theory. On the admission of the Mamlatdar himself the revenue officer moved about freely and unmolested throughout the taluka collecting revenue and pressing people to pay up almost upto a date prior to the week of these expeditions. Details of the acts of the police coercion were given at the inquiry and the evidence in support of it was given.

Since the inquiry was ordered the Collector, the Deputy Collector, the Deputy Superintendent of Police and other subordinate officers, almost all of whom were charged by the khatedars, encamped and toured the Bardoli taluka, presumably with the object of, preventing, if possible, the khatedars or some of them from complaining when the enquiry began or getting some evidence in support of their defence.

The evidence that is given on behalf of the khatedars is simple and straightforward. The story is equally simple and straightforward and being true required no tutoring. The only reason why the inquiry officer has spent his wrath upon the Congress in condemning them is the assumption with which he started that the evidence was false. He argues, "The evidence is false. The peasants are simple and innocent. How did the evidence then come to be given? Therefore he comes to the conclusion that it must have been the result of tutoring the witnesses by the Congress organisation. Such are the judicial principles by which the evidence has been tested and the report prepared.

#### PROCESS OF JUDICIAL PRINCIPLES REVERSED.

In all cases of this kind one begins with contemporaneous documents and all the telegrams which were sent from time to time stating the acts of the police and the revenue officials. One should have thought that such telegrams were evidence rather of the truth than otherwise of the story contained therein. But the whole

process of the application of judicial principles has been reversed in this enquiry and in the 'report'. One would naturally start with an assumption that a contemporaneous statement was probably true and test the subsequent evidence in the light of those contemporaneous documents. But it did not suit the Inquiry Officer to follow the normal process.

Dealing with the charge of getting up evidence it will be very difficult, if at all it is possible, first to invest some hundred different stories based on the same or similar incident and yet it is assumed that was the process gone through the story written out and the cultivators made to reproduce it. Such an argument refutes itself. The volume of evidence given by men and women in the presence of all the officials charged including the Collector, the manner in which it was given notwithstanding the bullying tactics of the opposing advocate and undeserved indulgence he got from the Inquiry Officer is sufficient proof in itself of the truth of those men and women who according to the Inquiry Officer himself were innocent and simple.

#### PERSONAL PROTECTION.

The Inquiry Officer's report reads as if he were almost prepared to hold ~~but for~~ the admission of the Government that the police did not visit the villages concerned at all. The only Government case for the use of the Police was that taken for the protection of the Revenue Officers but when that collapsed cross-examination of the Mamlatdar the Inquiry Officer has invented a notion that it they were not taken for that purpose they were taken for the purpose of making a mild request or giving a courteous invitation to the cultivators or, invitation was neither courteous nor the request mild, their presence and the did not amount to intimidation or coercion. It is a casuistry which it is to analyse or understand. The Inquiry Officer realised after the cross-examination of the Mamlatdar that the theory of personal protection had, to use his phrase, ~~gone~~ in thin air.

Then he makes a novel remark that "this conclusion is arrived at without "rebutting evidence" of the Government except the party heard statement of the Mamlatdar". This contains a wrong assumption which the mind of the Inquiry Officer never realised. If the officers had attempted to give "rebutting evidence" and produced the relative documents they would not only have failed to rebut but would have been obliged to admit the coercion as the Mamlatdar was substantially obliged to do. The true value of "rebutting evidence" is to be gathered from the Government case as regards the village of Rayam and the examination-in-chief of the Mamlatdar in support of it.

As regards the refusal of the request for the production and inspection of Government documents it is difficult to believe that in any inquiry, whether it is held by a court technically so called or not, that the Inquiry Officer should consult one of the parties whether an order asked for against that party on the ground of justice, equity and good conscience should be made or not. That is what admittedly happened in this case and such conduct on the part of the Inquiry Officer is enough to discredit the conclusion which he may claim to have arrived at.

According to the notions of the Inquiry Officer an "organised expedition of police headed by officials" is a very innocent act and proper to use for revenue collection! One may hope that the sooner such notions are dispelled and such a system destroyed the better for the integrity and honour of any administration.

The most regrettable part of the report is that instead of confining himself to the terms of the inquiry, the Inquiry Officer has chosen to make undeserved and almost unseemly attack on an organisation which even as a servant of the opponent he should have respected.

In para 33 of his 'report' the Inquiry Officer states as follows :—

"It is possible that some, perhaps a good number, may be true stories but there is no way of distinguishing the true from the false and taken individually they are just as likely to be inventions as some of the instances given and seeing that they are also made in the interests of witnesses so far as this inquiry is concerned it would be impossible to accept them as they stand."

This is a confession of incompetence for the purpose which he undertook and for which he was appointed. It was the business of the Inquiry Officer if he was to do his duty to separate true from the false stories and according to him many of the stories may be true. This is also a confession of the method that was adopted in arriving at his conclusions containing the general denunciation of the witnesses and Congress organisation.

For these reasons it is submitted that the finding on the issue of police coercion should be in favour of the khatedars. It is quite immaterial, as has been pointed out above, to find out the exact amount paid in excess of the standard and through police coercion. For the only real use of this inquiry is a justification of the charges made which so far as the Congress and the khatedars were concerned, they humbly claim to have substantiated and they now leave the matter to be judged by public opinion for the whole of the evidence as recorded has been published in fullest detail and the reasons for withdrawal laid before the public to enable them to form a just and impartial opinion on the conduct of the officers concerned.

## The Kashmir Riots Enquiry Report

Our Highness was the only person who acted with promptitude and foresight in any of the riots' is the striking observation by the Riots Enquiry Commission in the report issued on the 4th October 1931 and signed by Sir B. Dalal, Sir J. Jayam and Mr. B. R. Sawhney who record with regret that the civil police exhibited neither executive efficiency nor foresight in dealing with the riotous mob or subsequently. The promptitude of the military forces in reaching the scene of depredation and restoring peace and order is praised. Our Highness's was the first order to the Palace Guards to proceed to Mahadwar during the looting and the Commission state: 'But for the prompt despatch of troops by your Highness, the devastation in the city would have been terrible.'

Among other findings of the Commission are that the firing on July 13 was justified and was not prolonged beyond what was necessary and that all shot wounds were in front, proving that the crowd was advancing, not retreating.

'We are satisfied,' they state, 'that the allegations made by Mahomedans about the military helping Hindus are fabricated merely to bring discredit on the military who saved the situation and prevented Moslems from committing further depredations. In our opinion, these allegations were made with a view to avoiding the employment of the military on any subsequent similar occasion'.

Before making these observations the Commission remark: 'We are fully satisfied every grade of the Mahomedan point of view has been disclosed to us'. The Commission find that the campaign of vilification of Government was stage-managed by a handful of discontents who had not succeeded in obtaining high posts or had lost them due to sheer inefficiency or worthless character.

There is considerable difficulty in dealing with the so-called leaders because they are ready enough to change their attitude and speech according to circumstances'. The agitators put forward before the Commission a long string of demands but 'there was a remarkable exposure of most of them'.

The Commission are satisfied that Moslems enjoy complete religious freedom in the State and that there is no manner of obstacle to the performance of religious rites so long as they are observed without danger of a breach of the peace.

Dealing with the causes leading to the July riots, the Commission condemn his Highness's absence in London. They state that 'though sufficient material existed to suppress the Young Men's Mahomedan Association, which laid the foundation of all subsequent agitation, both in Jammu and Srinagar, the Government met a persistent policy of vilification by Moslems with philosophic calm.'

The Commission acknowledge that with regard to employment in public service "the Moslems have a legitimate grievance and this is a perpetual source of embitterment of the Moslem intelligentsia and an incentive to them to excite the masses by illusive religious grievances, to force Government to accept their claims for a much larger share in the state service."

They proceed to observe that the difficulty is not in regard to employing Moslems but in finding a sufficient number of Moslems for Government post. The inference that Moslems were excluded from Government service as Moslems was wrong. Their exclusion was due to their backwardness in education.

Even a postmaster in British service admitted that out of 36 clerks he had only four Moslems while a local missionary high school could not get a single Moslem teacher. Holding that there is no substance in the Moslem claim for a share in the public services to the extent of their proportion of population, the Commission recommend the employment of Moslems in larger numbers observing that if, in a particular office, Moslems are few and the vacant post is such as could be filled by a person with matriculation qualifications, Moslems so qualified should be preferred against Hindu graduates.

A definite instruction should be given to the Civil Service Recruiting Board to aim at employing specific proportion of Moslem state subjects, not necessarily hereditary state subjects, to whom alone now state appointments are open, the Commission not being in favour of such restriction as it would be dangerous to have a class of domiciled subjects who would look upon Government as a foreign institution.

Before enumerating the Commission's recommendations for securing communal peace, the Commission's stern condemnation of the police and magistracy in facing the crisis may be mentioned. They observe:—

"Both intelligence and foresight were absent in the officers responsible for the preservation of law and order. The Governor and the deputy inspector of police exhibited a considerable lack of intelligence and executive capacity in trusting themselves to be misled.

## RECOMMENDATIONS

Complete overhauling of the personnel and methods of the police is recommended with a new inspector-general of police with sound experience of British Indian methods, followed by the appointment of a police commission to suggest ways and means of improving the existing police. 'If it is thought that one particular community is more amenable to discipline, smartness, and courage, recruitment must be made therefrom.' The reserve police is to be exclusively Hindu or Moslem Rajputs till the local inhabitants can be trusted as the Commission have a low estimate of the bravery and discipline of Kashmir police. Again the Criminal Investigation department, which is neither efficient nor competent, should be re-organised. A committee is to be appointed to work up an internal security scheme.

The appointment of a permanent Conciliation Board of 12, six being Hindus and six Moslems representative of the entire community is to be made. It is to be paid an allowance or honorarium. It will act as a general consultation board with the right to ask questions and get an explanation from the Ministers of any Government measure, so that the masses might understand it. The working of this Board is expected to change the mental attitude of both communities.

The restriction of the area of the Governor's jurisdiction and the enhancement of the power of the Wazir Wazarat and the careful selection of the Governor, on sheer merit alone, are other recommendations.

The Commission also state:

'Preaching to excite communal hatred in the garb of religious discussions should be put down with a stern hand. If Government is strong in putting down these wicked addresses in places of religious worship, the sympathy of the masses will be entirely with Government.

'There may be sullenness, or even worse, in the beginning but if firm action is taken in a suitable manner public opinion is sure to adjust itself. No Moslem can assert that sedition and race-hatred are not inculcated in the masses of Moslems through discourses in mosques. There must be a strict security of the vernacular papers which enter the State and prompt action to proscribe offending journals, both Hindu and Moslem. No mercy or consideration should be shown to these cases of mischief-makers. A vernacular propaganda department should be run by Government and every kind of news which Government desire the masses to know should be conveyed through it.'

The Commission dwelt at length on what are termed Muslim demands put forward by Muslim witnesses. Referring to the claim of proprietary rights to peasants, the Commission observe:—"These peasants now enjoy occupancy rights which are not transferable and we are of opinion that in the present state of education and advancement of cultivators any grant of full proprietary rights would be most harmful to them and in a short time land would be transferred to Hindu moneylenders in execution of decrees and Mahomedan occupancy tenants would be reduced to the position of labourers. The city dwellers who make such a request have no conception of the harm—we may say excessive harm—which the grant of such request would cause to Muslim agriculturists." While legislation may keep back the money-lender nothing can keep back the bigger fry eating the minor fry. The commission find from the evidence that those who demand freedom of the press and the platform really desire not freedom but license.

Dealing with the laws of conversion, it is pointed out that the Hindu law is based on ancient scriptures and there is no Kashmir State enactment on the subject. As the Hindu law is based on the joint family system, if a member renounces Hinduism he goes out of the family as if he died that day. According to the existing Muslim law also any Muslim relinquishing his religion is debarred from inheritance. Touching on the influx of Kashmir labourers to British India, the Commission find it not due to any acts of Government but to the unrestricted migration among the labourers and suggest that, as in British India, migration should be encouraged as emigrants always add to the wealth of the country by their savings.

On the question of restoration of the ruined mosques the Commission have found in favour of the Muslim demand observing that an enquiry be set up for restoring such mosques as are within the possession of the Archaeological department provided there is unanimity as to the person to whom a particular mosque is to be given and a guarantee about its being kept in repair.

The objection to the maintenance of a school for Hindu Rajputs alone is based on ignorance of the conditions. The school is maintained out of the *dar* of the late Highness who expressly desired it for Hindu Rajputs. The Commission have recommended, when funds permit, the establishment of similar schools for the sons of nobles other than Rajputs.

The Commission also find that the existing restrictions on the transfer of property may be relaxed with advantage. Another striking recommendation is the appointment of a consultative committee of Muslims to bring to the notice of the Education Minister all the defects detrimental to the progress of education.

Among the underlying causes for Muslim suspicion and unrest prominence is given to the high officers adopting a *pardanashin* attitude in not being easily accessible and not properly and timely explaining the Government measures. The cabinet responsible for administration during His Highness' absence in England for the Round Table Conference failed to take effective steps to put down agitation. Indeed, the cabinet did not pull as one team being suspicious of one another.

Several pages of the Commission's report are devoted to a record of the beneficent measures for Muslim advancement during the present reign and after dealing with certain incidents that were exaggerated the Commission observe:—

'In these days of publicity and propaganda it is not enough to do the right thing but to proclaim it and put down those who mislead public opinion with a strong hand.'

The Commissioners further observe that ministers should not be merely departmental heads by controlling the day-to-day routine but concern themselves with larger questions. State servants detected engendering disaffection should be dismissed. The rifles of the jail guards on the occasion when there was not the slightest doubt that the assembly of Muslims had no desire to disperse, were worse than *lathis* and the crowd knew the excessive inefficiency of the jail police. Reference is made to the difference in the Hindu and Muslim mentality regarding the tendering of evidence—the Hindus favouring public and the Muslims *in camera* evidence. Among the minor causes of Muslim misunderstanding is mentioned the absence of a Muslim from the 1930 cabinet.

## The N. W. F. Subjects Committee Recommendations

Recommendations which will enable the North-West Frontier Province to take its place by the side of other provinces as an autonomous unit in the Federation of India are contained in the report of the North-West Frontier Province Subjects Committee, which was appointed in pursuance of the recommendation of the Sub-Committee of the Round Table Conference. The report was signed by the chairman Mr. H. G. Haig, I.C.S. Sir Abdul Qayum, Mr. C. Latimer, I.C.S., the Nawab of Toru, Dewan Bahadur Ramaswami Mudaliar, Mr. Mahomed Yurus and Mr. E. T. Coates, I.C.S. Rai Bahadur Thakur Datta did not sign the main report but wrote a lengthy minute of dissent. The report was issued from Simla on the 21st July 1931.

The report consists of two parts, one dealing with the classification of subjects as provincial or central and other with the subvention to the Frontier Province. The Committee at the outset point out that they have throughout been impressed by the general demand that the province should enjoy equality of treatment and status with the other provinces.

In regard to the attitude of Khans, some of whom have wielded great influence in the position of tribal leaders, it is said they are prepared to give full support to the new constitutional proposals, provided their own legitimate interests receive adequate recognition. As for the Hindus, the Committee emphasise that the important and influential section representing a growing proportion of the community which is prepared to accept new safeguards similar to those that will be enjoyed by minorities in other provinces.

Regarding the classification of subjects, the Committee point out that subjects which are central throughout India must be central in the Frontier Province as well. In cases not covered by the existing list of central subjects, the essential principle of division should be that matters which primarily concern the five settled districts should be provincial and those which primarily concern the tribal territories should be central. In particular it is recommended that law and order in the settled districts should be a provincial subject. The Committee recognise all-India interest in the matter. They remark that internal disturbances within the administered districts must have an unsettling effect on the tribal tracts and may thus create a situation re-acting on the question of defence. But to deprive a provincial Government of control over law and order within its provincial boundaries would be to introduce a fundamental differentiation between the Frontier and other provinces and would, also, be inconsistent with the desire of the Round Table Conference Sub-Committee that this province should be given the status of a Governor's province. In support of making law and order a provincial subject, the Committee further allude to the scheme of the Sub-Committee of the Conference that the Governor should be president of his own Cabinet and observe that this provision would afford sufficient assurance that all-India interests in the preservation of peace along the border will not be overlooked. The Committee recommend that the watch and ward of the border should be a central responsibility, and that the control of the Frontier Constabulary should be central. They propose that roads in the settled districts should be classified as provincial, the standards of maintenance of and expenditure on roads of military importance being safeguarded by conditions which empower the Government of India to declare any road as of military importance and to see to its proper maintenance. They propose that the cognegency for the maintenance of the provincial roads and buildings should be transferred from the military engineering service to the Public Works Department.

The Committee conclude this chapter by emphasising that provincial subjects for the Frontier do not differ from those of the other provinces and that the Frontier would, therefore, be on an exact equality with all the other provinces.

The chapter on subvention gives figures which show a large and rapidly growing deficit in the provincial revenues as compared with the provincial expenditure, which will have to be made good by a subvention from the central Government. They point out, that the province was called into existence 30 years ago, not as a result of any popular demand for separate administration but for reasons of imperial policy dictated by what were considered to be essentials of a sound system of frontier

control. It is proposed that the subvention should be for a period of five years in the first instance, and on the figures before the Committee they take the basic figure of subvention for a five-year period commencing in 1933-31 at 117 lakhs, and provided the Government of India accept new schemes of expenditure on beneficent departments now before them, the subvention would amount approximately to 146 lakhs in the first year rising to a maximum of 162 lakhs in the fifth year, the central revenues receiving back in payment of interest on loans 14½ lakhs. The Committee emphasise that the subvention should be made a statutory charge as a source of provincial revenue, so that the expenditure of the amount may be at the entire discretion of the provincial Government and not open to interference or criticism from the central Government. At the end of the first five-year period representatives of the central Government and of the provincial Governments should endeavour to arrive at an agreed figure for the next period and in the event of disagreement the Supreme Court might be sought for arbitration.

#### MINUTE OF DISSENT

Rai Bahadur Thakur Datta in his dissenting minute, as heavy as the main report itself, opposes the transfer of law and order to the provincial Government and proposes that many matters recommended by the majority to be provincial should be treated as central. By this means he would eliminate completely the necessity for any subvention, confining the provincial Government to matters which it can finance from its own revenues.

The majority commenting on these proposals remark that the logic of their own case leads him as far as throwing a doubt on the desirability of having law and order administered by a responsible Minister in any of the Indian provinces, a position which the Round Table Conference has definitely rejected. Referring to the financial proposal of Rai Bahadur Thakur Datta they observe :

'We are not required to allocate subjects to the centre in order to avoid a subvention. The subvention has to be calculated in view of an allocation of subjects determined on administrative and practical grounds. They further point out that in whatever way distribution is made the financial burden on the centre is not really lessened.'

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# **India In Parliament And Abroad**

**July—December 1931**



# INDIA IN PARLIAMENT

## The India Office Estimates Debate

HOUSE OF COMMONS—9TH JULY 1931

Lords Irwin, Sankey, Snell and Burnham were present in the Peers' Gallery of the Commons to-day when *Earl Winterton* opened the debate on India Office Estimates, which was resumed from 13th May.

Earl Winterton expressed the anxiety felt by the Opposition at the events on the Frontier, at Cawnpore and in Burma and asked for a frank exposition of Mr. Benn's views. Earl Winterton thought that many valuable lives would have been saved in Burma by the use of force from the outset and dealing with the Irwin-Gandhi Agreement asked what instructions had been given to local Governments with regard to the police as there was a suspicion that it was almost impossible for the police to carry on their duties as a result of the situation. Earl Winterton pointed out that firmness and decision in administration did not necessarily connote the use of violence and concluded by saying that Mr. Benn might be most sympathetic to India's aspirations in future, but meanwhile he must not forget the need for supporting the splendid machine of Government which had behaved so splendidly in recent years.

*Mr. Wedgwood Benn*, replying to the specific points raised by Earl Winterton, said that it was the Government's policy in Burma to give the local Governor all the powers and forces he needed and simultaneously to pursue diligently the means of dealing with the political and economic causes underlying the insurrection.

He added that he regretted that he was not in a position to state even now how the Government proposed to tread the constitutional question of Burma.

Mr. Benn reiterated that the Irwin Gandhi Pact had legalised nothing that was previously illegal. Surveying the general situation Mr. Benn stressed the effect of the depression and said that there was not the same fear to-day of an outbreak of Civil Disobedience as of rural disorder.

Turning to the political factor Mr. Benn referred to the eagerness of Hindus for the realisation of their hopes and Muslims' demand that their rights and privileges should be safeguarded and said that this increased anxiety and tension had added to the difficulties always existing between the two communities.

In order to make the matter clear Mr. Benn repeated the Premier's statement on the subject of minorities guarantees in the closing session of the Round Table Conference and hoped that a clear statement of that kind would help to relieve Muslims' anxiety. He added that his observations at the Conference and elsewhere had made him detect elements of hope.

Reviewing the policy in the past two years Mr. Benn said that the tragedy of Cawnpore must be taken in its perspective. The real question was whether the Government's policy had been right.

Mr. Benn reminded the House of the disturbed state of India in 1930 until March 1931 and said that, as the result of the Round Table Conference, the ambassadors of peace who returned to India, with Lord Irwin's assistance, were able to secure peace where before there had been conflict.

Referring to the suggestion that the Round Table Conference delegates have been "pushed to the background" Mr. Benn pointed out that its members, both British and Indian, and the Princes' delegation, had impressed on both the Government and H. E. the Viceroy the necessity of the task of conciliation and nobody had rejoiced more in the conclusion of the pact and the establishment of peace than distinguished men who came over last year.

Mr. Benn proceeded to examine the duties of the respective parties concerned and said that there was no doubt that it was the duty of the Government of India to maintain law and order. Its second duty was rigorously to observe the terms of the understanding of 5th March. The British Indian and Provincial Governments

had all as the first article of policy that the undertaking given by Lord Irwin should be fulfilled in letter and spirit.

Mr. Benn said, from his information both official and private without exception, it had been Mr. Gandhi's policy also. Whatever charges might be made against Mr. Gandhi, nobody ever charged him with a breach of faith. Mr. Benn added, he was unable to speak for all Mr. Gandhi's followers but accurate information at Mr. Benn's disposal was that Mr. Gandhi had laboured for the fulfilment of his undertaking and to-day Mr. Gandhi represented in India a great force for peace.

Mr. Benn paid a tribute to the efforts which the Provincial Governments had been making to carry out their duty of rendering all possible help to those suffering from economic distresses.

He added: "It is obviously our duty to do nothing that will fan the flame of communal strife. We should also testify to the great efforts that are being made by Hindus and Mahomedans to wipe out the stain."

Continuing, Mr. Benn said, "During the past two years we had been trying to press on with a policy of peace. The great success which attended the Round Table Conference was a real encouragement. The things needed were sincerity and I wish we could have gone ahead faster but the circumstances hindered. Nevertheless, we hope that within a few weeks the Conference, not only with the personnel but with the added personnel, will assemble and it will be fully representative."

Mr. Benn attributed the decline in Lancashire trade with India mainly to the loss of the purchasing power of the Indian people. The position of the Indian market was no more unfavourable probably than other markets and it was easy to credit too much of the loss to the Congress activities.

Mr. Braeken asked whether Sir John Simon would be there.

Mr. Benn replied that it was rather difficult. Correspondence had passed between Mr. Baldwin and the Premier regarding the personnel. I am not quite sure what stage has been reached, but the strengthening of party delegations was contemplated and Government's view that the British delegation should be made up of representatives of parties has not changed.

Sir Samuel Hoare and Mr. Churchill pressed for a more precise reply, but Mr. Benn said he had answered the question.

Mr. Benn concluded by saying that the policy in the past two years extended over a wide area of co-operation and hoped that, within a few weeks the Conference would assemble fully representative of opinion in India, which in variety of power and influence would be incomparably the most important ever held in London.

Mr. Samuel Hoare said he had never disguised that Britain was confronted with every kind of difficulty and that the basic condition of advance was the admission of the safeguards discussed last winter. But he had also never disguised that it was much better to face the difficulties than to ignore them. Sir S. Hoare advocated all the three parties working together as long as possible. That was the position which the Conservative delegates took up throughout the Round Table Conference and he felt it his duty to say that their position had in no way changed.

Discussing the conditions of communal settlement Sir S. Hoare strongly urged Mr. Benn, speaking for the Government, to make it even more clear than before that whatever be the future political arrangements, proper safeguards for minorities would not be ignored. Sir S. Hoare warned that advance would be extremely difficult when discussion were resumed unless their Indian friends succeeded in allaying the present communal bitterness.

Sir John Simon said it would be a most profound error to imagine that the policy of seeking to conciliate only extremists and Congress leaders would secure peace. The Governments should make it clear that Britain would keep the balance even between all concerned.

Sir John Simon begged the Government to make it clear that in the whole course of administration and affairs in India the minority communities—not only Moslems but others—might feel that while Mr. Gandhi was no doubt an important figure we were anxious to make the contribution we alone could make by keeping the balance quite even between all concerned.

Col. Lane Fox declared that Cawnpur must not be used as an excuse for changing the policy. Our only hope of success in India lay in combining strength and firmness with sympathy.

*Mr. Churchill* described Cawnpore as a shameful failure to protect minorities on the part of the British Government and blamed the Irwin-Gandhi Pact and the R. T. C. for the events there. He said they would doubtless happen on a far larger scale when British authority was withdrawn.

*Mr. Churchill* declared that during *Mr. Binn's* two years of office there had been very great retrogression in India. The Government had settled nothing and unsettled everything. We were moving jerkily towards an unworkable conclusion and crawling methodically towards an abyss that was the result of three-party politics.

*Mr. Isaac Foot* strongly attacked *Mr. Churchill's* "utterly baseless" accusation that the Government was responsible for the happenings at Cawnpore and reminded *Mr. Churchill* that he was a member of the Government during the Moplah rising. He said that Britain had done much for India and she had now an opportunity for the greatest service by helping to solve the communal trouble.

*Mr. Wardlaw Milne* considered that it was time that Britain made it clear that no party in the Commons looked to the day when there would be a Government of India necessarily by Indians alone. Britain had as much right in India as any section of the people of India.

The Labourite, *Mr. Bennett*, questioned whether the treatment accorded to men fighting us in Burma was justified. He hoped that no executions had occurred.

*Mr. Binn* promised to bear *Mr. Bennett's* remarks in mind and said that, as far as he was aware, there had been no executions. *Mr. Binn*, winding up the debate, said that the assurance could certainly be given that in future constitutional arrangements Government would not permit the interests of minorities to be sacrificed. *Mr. Binn* was sure that the colleagues of the Conservative delegates to the Round Table Conference would warmly welcome *Sir S. Hoare's* unequivocal statement that the position of his party with reference to the Conference had not been impaired. *Mr. Binn* concluded by saying that the Government would pursue their policy actuated, first, by a desire to fulfil their pledge and, secondly, by the principle that it was only on the basis of ever-widening liberty that an enduring situation could be laid.

The debate was adjourned again.

## Government's Indian Policy.

HOUSE OF COMMONS—2nd, DECEMBER 1931.

In the House of Commons, to-day *Mr. MacDonald* made the following motion on the Indian policy:—

*That the House approves the Indian policy of his Majesty's Government as set out in the Command Paper (Indian Round Table Conference) presented to Parliament on Dec. 1.*

*Mr. MacDonald* began by saying that in answer to a question put to him by *Mr. Churchill* he had indicated that he would inform Parliament what steps the Government proposed to take with reference to its policy with regard to India. He now rose to fulfil the pledge he then gave. The statement he made to the Round Table Conference yesterday had the full authority of the Government, and the Government now wished, having communicated that statement in the House, to ask the House, by its vote to-morrow night, to associate itself with that policy.

*Mr. MacDonald* said that as this was the first time that an Indian debate had taken place in the new Parliament it would perhaps be convenient for honourable members, especially those who were there for the first time, that he should give them a slight reminder as to how the present situation had arisen. From time to time declarations which did not amount to specific pledges had been made by representatives of this country. Sometimes the monarch, as in the case of the late Queen Victoria, sometimes Government representatives and sometimes the House of Commons had made it perfectly clear at the time that the intention of the Government and this country was to lead India up to a position when she could make herself responsible for her own government. Those statements did not always

amount to pledges. They did not go beyond statements of intention, but this House could not, and no member of this House as its representative could, throw off from its shoulders the responsibility of carrying into effect, when opportunity arises from time to time, those declarations of intention.

He did not overlook the fact that in 1919 Parliament passed an Act, the Government of India Act. There was a preamble to that Act which defined the policy of Parliament, not of a Parliament but the continuing authority of this country.

That pledge was that its intention in passing the 1919 Act was to take a decisive and distinctive step in the gradual development of self-governing institutions in India. It was so well aware of what it was doing that the same Act appointed that at the termination of ten years from the passing of the Act Parliament should set up a statutory commission to review the position in India and make observations and recommendation regarding its future.

That was the origin of what was known as the Simon Commission. He wished to emphasise that the expression 'gradual development' must not be interpreted by the House as something it could fulfil at its own leisure. Those words must be interpreted to mean that the House was vigilantly and carefully watching the progress of affairs in India, and was prepared when that progress had reached certain stages to take advantage of it to increase the amount of self-government that India enjoyed. There was another thing he would like to observe, that the political capacity in India was solid, was wide-spread and had enormously increased within recent years. No one who sat at the Round Table Conference since November last year and listened to the debate could doubt that. He wished to emphasise that these debates were not conducted so far as Indians were concerned by the people who had, as was frequently alleged, the veneer of western education. Those debates were conducted by leaders of all communities, by men who were there in representative capacity and who could speak for every class and every community in India from the poorest down to the untouchables. It was representative, it was remarkable in its representative character. Every time he had the pleasure and privilege of sitting in the chair the debates that were engaged in would have done honour, so far as the grasp of subject and intricacy of solution were concerned, to any assembly of specialists who belonged to this country and who were regarded as specialists by their people in this country.

The Act of 1919 was admittedly temporary, as were the Morley-Minto Reforms which went before. He remembered being in Simla on the day when the last meeting of the old Council was held and when Lord Minto bade farewell to his colleagues with whom he had been working up till then. An Indian who was present turned to him (Mr. MacDonald) after the Council had dispersed and said with a smile: 'Lord Morley has been delivering speeches which declare that so far as he is concerned that is going to be the last word in the evolution of Indian self-government. I hope you are making no mistake about that. That is the first word, not the last word.'

We had gone from stage to stage. Every step we had taken had had its critics and quite rightly so. This was a tremendous experiment in self-government. Those of them who had been sitting, dealing with this subject from day to day, trying to get enlightenment from something of the same kind that had been done before, on important problem after important problem, had found that the hand and brain of no draftsman had hitherto pioneered the way for them. He said that because of what he felt to be the overcautious and over-critical attitude of Mr. Churchill. He said that to brace the House up for a problem which they must face, face them with courage and resource. With the human material with which we had been working for over a year and with our own capacity to adapt institutions to political needs we would succeed with our task and our success would be hailed as one of the great contributions which this nation had made to democratic institutions and to human liberty.

When the Simon Commission was set up the intention of the Government was to receive a report, to proceed to draft a constitution upon that report, bring it before this House and then, when it got its second reading, to send it to a joint committee of both the Houses and that, when that joint committee was examining the details of the constitution drafted, Indians should be invited to come over here who would be practically in the position of witnesses. They would not be co-operators in consultation. They could express their views as a witness expressed his views. That would be roughly the position that they would hold. The Commission went with its work. It appreciated the great problems with which it had to deal. On

Oct. 16, 1929, practically two years after the Commission had been appointed, he received a letter from its chairman in which he said 'in view particularly of the close connection between the problem of British India and that of Indian States and the ... of consultation with the State before reaching a final decision' he urged upon him the desirability of setting up 'some sort of conference' after the reports of the Statutory Commission and the Indian Central Committee (a committee set up to work concurrently with the Statutory Commission and which did admirable work too) had been made, considered and published and their work had been completed. In this conference his Majesty's Government would meet both the representatives of British India and the representatives of the States, not necessarily always the final, for the purpose of seeking the greatest possible measure of agreement on the final proposals which it would later be the duty of his Majesty's Government to present to Parliament.

He (Mr. Macdonald) considered at the time that that was a very important departure. 'We had not enough information to know before that time that such a departure might smooth the way to an agreement between the Indian public opinion and our own.' He certainly was not at all adverse to responding favourably to the request which the chairman of the Commission had made to him. He took precaution of consulting the leaders of other political parties before replying the Conservatives and the Liberals. He never asked them to commit themselves as that would not have been fair. He just wished to know if there was anything in the proposal to which essentially they would object. As a result of interviews he was encouraged to write this reply. He said that 'we were deeply sensible of the importance of bringing the whole problem under a comprehensive review and under conditions which may promise to secure as great a degree of unanimity as may be practicable. When your Commission has submitted its report and his Majesty's Government has been able in consultation with the Government of India to consider these matters in the light of all the material then available they will propose to invite representatives of different parties and interests in British India and representatives of Indian States to meet them separately and together, as circumstances may require, for the purpose of conference and discussion in regard both to British India and the all-India problems. It will be their earnest hope that by these means it may subsequently prove possible on these grave issues to submit definite proposals to Parliament which may command a wide measure of general assent.'

That was the origin of the Round Table Conference. When preparations were being made for the meeting of the Round Table Conference he was exceedingly anxious, as he was still to-day, to take India out of the field of party politics in the House. Their then predecessors, the then late Conservative Government, were good enough to consult both the Liberals and ourselves on the appointment of the Simon Commission and, having set him that very good example, he could not do better than follow it. Consequently, in the preparation for the Round Table Conference, when they were discussing some of the important points, he again sought consultation with the Liberal and Conservative parties. The result was that it was agreed that the Parliamentary delegation which went to the Round Table Conference should be a tri-party delegation. The separate parties were not bound by the decisions of others but they were bound to do their very best to co-operate whenever it was possible, to speak with the same voice when that form of address could be adopted.

He must report to the new House that none of them, none of those representing the Government of the day, had any reason to regret their decision or to quarrel with their colleagues. . . . When invitations were sent out for the Round Table Conference they wished that every section of Indian opinion should be represented including the States. They were fortunate in getting a very full representation of every section and party with the exception of the Congress which refused to come and the Round Table Conference then assembled on Nov. 12, 1930.

One of the biggest problems that faced us straightaway was the question of authority and responsibility at the centre. The Simon Commission had reported in favour of provincial autonomy and stopped there. But it had a vision beyond that and it did foreshadow a federated centre. Everybody felt that a federated centre of British India alone was a somewhat risky experiment. Fortunately, on the very first day when the Round Table Conference got to business, the representatives of the princes informed us that they were prepared to come into federation. That at once changed the prospects and the outlook of others coming in. The Princes declared that they were willing to sit at the Round Table Conference and discuss

all the political problems raised at the Conference and discuss them not merely as interested parties, who were to remain as spectators, but to discuss them as rulers who were prepared to come in as part and parcel of the federation of India and take their place in the central authorities that might be created if the Government desired that it should be so. That changed the whole outlook and put the question of a central federated government with executive and legislative responsibility on a completely new foundation.

Then we examined a great many questions one after another. He would not take up the time of the House in going over that ground because it was only a question of how many houses, how many parts the legislature should consist of, how many States should come in, the question of safeguards and so on, the question of defence, the question of security for our civil servants and the question of commercial discrimination. Question after question was part and parcel of the problem examined. Difficulties were stated, points of view were recorded and very considerable mass of detailed examination by one of the committees had been of special value to us, the Federal Structure Committee over which the Lord Chancellor presided with so much distinction and so much success. The Conference then adjourned and it decided that it should meet again in September this year. He was perfectly willing to confess that had he foreseen in January or February this year the political issues, which this House and the Government would have to face, very critical political issues, the very absorbing political issues which we had to face in August and September last, he could not have consented to the Round Table Conference meeting in September because the problems of the Round Table Conference really demanded the undivided and undistracted attention of whoever was going to preside over the Conference as a whole or whoever was going to preside over one of its important committees.

But the meeting was held. We had added very considerably to the discussion and settled before a constitution could be granted and yesterday he made a declaration which was published in the form of a White Paper regarding which the resolution which he was now moving had been drafted. Very briefly—because there were two days for debate and because there was plenty of opportunity to get to more details—he would try to put before the House the general situation as it was at the present moment.

The Round Table Conference itself never was a body which as a whole could deal with intricate details. He might repeat what he said yesterday morning in the very early hours that the Round Table Conference was an assembly where the temptation to make speeches was absolutely irresistible and when a body of men had to settle down to discuss such subjects as the relation between the executive and the legislature in the centralised India, the relations between one community and another from the point of view of representative democracy, a body of 80 or 90 men and women making long speeches (so long that when they were confined to half an hour the Chairman always rejoiced that brevity was established) was not a body to deal with these problems. But that was the body to make the nature of a problem clear. That was the body which, speaking on behalf of every interested section in India alone, could put the problem in its full and larger sectionalised details before the representatives of this Parliament.

The great value of the Round Table Conference was that it enabled every one of us who attended that body to understand (1) what was the Indian mind, and (2) in trying to translate that mind into a working constitution what were the problems that must be successfully solved by whatever authority of this House of Parliament charged with responsibility, first of all, of producing a draft constitution. That piece of work was magnificently done by the Round Table Conference. What was the next stage? It was quite obvious that the next stage was to refer this question for detailed examination, constructive examination not destructive examination, to small bodies approaching more to the sign of an executive without the executive powers mainly on the spot.

Therefore, the contributions made by the Round Table Conference were now coming into a stage of close examination and we hoped yesterday that several committees should go out to India to deal with those subjects. There were three points which the Round Table Conference had asked should be specially examined. The most important one was that of franchise. What was to be the franchise? Was it to be the same in every province, for instance? He was not suggesting by putting the question, 'Make no mistake about that.' Because he put a question he must not be supposed to be doing more than that, but that was one of the ques-



tions. For the purpose of election, should the village *Panchayat* be used? Was the system of proportional representation specially fitted for the Indian conditions? Was a common register possible? These questions of detail, questions which related to Indian conditions which must be fitted into the scheme of government, ought to be dealt with by men, if possible, accustomed to that kind of work and committees of that character would go out at the beginning of January, as far as we could possibly arrange it, and over each of these committees we proposed that some one of some authority and some distinction in this country should preside.

*Sir Austen Chamberlain*:—Is the right honourable gentleman assuming that election to the central legislature will be a direct election? Are we to understand that from what he has said?

*Mr. MacDonald*.—No.

That was what he was very anxious about that neither Sir A. Chamberlain nor any one should assume by his statement that we had taken a decision upon it. If he cared he could go through the very long category of problems which had to be settled regarding election to the central authority,—direct or indirect, special constituencies, if indirect through the provinces, the provinces being represented directly or not? These questions would have to be settled and this committee would make, he hoped, a decisive contribution for the guidance of the Government first and Parliament afterwards as to how these questions were to be settled and embodied in the constitution.

There were one or two important problems outstanding. The first undoubtedly was the problem of communal representation. He had tried his best and one night he had got them so near that only one communal seat stood in the way of complete agreement but he had failed up to now. Yesterday an appeal was again made to the communities to go home and settle the question among themselves but his Majesty's Government, if they failed again, and he was not sure they would, because they were beginning to be aware that they had not only had an influence on us but he thought we had some influence on them too, and having impressed upon them the necessity for settling this among themselves, he thought, they were going home with a firmer determination to come to an agreement to which all the communities would assent. But supposing it failed. The Government took the view that it was not justified in allowing a failure of this kind to stand between it and the putting into operation of a constitution which was otherwise roughly and generally agreed to. It would never be forgiven. After all one had to take political consequences into one's account, practically, in relation to facts and not in relation to fears like Mr. Churchill's.

Just let the House imagine this situation. We were agreed on the reserved subjects or were practically and generally agreed on them. We were agreed about the central authorities, the Princes had agreed among themselves as to how they were going to enter, what power and representation they were going to have and when that all was done, and the communal question was still unsettled by agreement among themselves, if the Government turned round and said 'until that was settled we can do nothing at all', there was not a single political platform in India which would not ring with denunciation that would carry conviction that this Government from the very beginning of its negotiations with the Indian representatives never meant to carry out its pledges and promises and never meant business. So far as he was concerned, he was not going to be a party to a position such as that, especially when as a matter of fact they had got a system, however imperfect, working at the present day. They had set up a system in India which provided for communal representation. The suggestion was that the Government should make it perfectly clear that although everything was decided, if this problem was not settled, then it would do nothing. It was asked to do that although as a matter of fact the problem did not prevent the representative institutions now working in India.

He could not say what they were going to do if this responsibility had to be faced, but if the Government did nothing more than say to the Indians, when the constitution was otherwise ready, that they had asked them to settle how it was going to be worked as far as representation was concerned and we equally declined to allow them to bar the way for taking responsibility upon themselves by shoving it on our shoulders, then the trouble arose. Therefore, the decision of the Government was that the present system of representation necessarily adapted here and there to the new conditions should be fitted in with the machine and it should be used to work the machine until such time as they themselves were in a position to fit a better

part into the machine. That might be the action or it might not be the action. He could not commit the Government. He said it was absolutely impossible for the members to vote and think or act on the assumption that under the existing conditions in India the Government could possibly take up an attitude that short of communal agreement no constitution could be worked.

There were also very important outstanding matters relating to the details of the States' representation. They now had an assurance that the States meant every word they said at the beginning of the Round Table Conference and that they were busy working on the problems, very difficult to handle with them, because the members who knew India, knew what a tremendous range of variety of power and authority was comprehended in the group of States. But again the Government had said that every assistance it could give to the Princes to come to a conclusion regarding the conditions in which they could enter the federation would be given.

The third important point was the point of franchise. He would say no more about that than what he had already said. The whole question, how representation was to be built and upon what basis, would be referred to a very authoritative committee for our guidance and the guidance of Indians themselves and in the committees to be appointed the Indians would co-operate.

*Col. Wedgwood*—Does that include the States?

*Mr. MacDonald*.—No. The Indian States were separate States and they must be allowed to govern themselves in their domestic affairs.

He would say to those on the subject—he did not mean to deal with it but as a consolation to *Col. Wedgwood*—that it was not by imposing outside authority that those changes would be made but by the co-operation and companionship of the States that had already taken adequate steps to deal with those matters that big changes would come.

*Major Attlee* asked whether those committees were going to report back to the Round Table Conference.

*Mr. MacDonald* said he was just coming to the point which covered that. Regarding contract he said that in the meantime it was going to be kept up between the Government and those committees. He asked the Round Table Conference yesterday if they would agree to his nominating in consultation with them a sort of a committee of consultation which would enable them to keep contact with Indian public opinion whilst inquiries were being made and whilst their reports were being digested, and to that they had assented. There was another class of subjects known as safeguards and there was a great deal of agreement upon those subjects, like Defence, Finance, Foreign Affairs, etc. Those were three important ones but there was a fourth of very great importance too. That was the question of commercial disabilities. All these subjects had been before the appropriate committee—the Federal Structure Committee—and although he could not report that there was complete agreement the position of the Government had been made perfectly clear regarding them. Do not make any mistake about that. There was a very substantial amount of agreement on subjects like Defence and he thought regarding Foreign Affairs it was almost hundred per cent. and on others in varying satisfactory positions (degrees?). There was a question raised regarding the method of conducting these negotiations. He wanted to tell the House without any reserve that he was perfectly convinced that the work which had been done could never have been done by any method except the method of co-operative consultation and to say further that if any Government here were to try and change that now, it would destroy all chance of continuing agreement and co-operation with India itself. The method of the Round Table Conference was the only method that would enable India and ourselves to come to an agreement to work that agreement in harmony and to work that agreement for the benefit of India itself, also for the honour and good of the Commonwealth to which it belonged.

Arising from that was the question of the relation between the negotiating Government and this House and here again he did not think that the members ought to be left in any doubt about what the relations ought to be. The Government must conduct these negotiations. There could be no question of the House of Commons conducting them by a periodical debate and periodical resolution. He would like to enunciate a rather old fashioned doctrine but one which he thought was still very sound. They sat on these front benches because rightly or wrongly the Government—

*Mr. Maxton*.—Wrongly.

*Mr. MacDonald.*—The hon. gentleman will change his opinion soon—

"Because the Government has been elected by a majority in this House and those who sit here have presumably the confidence of the majority of the House of Commons". Having that majority the Government was charged with the duty of conducting the negotiations and those negotiations had to be carried on from Parliament to Parliament. That was the method of the Government and regarding India the Cabinet must carry on these negotiations until the point was reached when the proposed agreement was initiated—a very well-known stage in the negotiation of treaties. When the parties to the negotiations initialled it then at that point the House of Commons was asked whether it agreed. If it disagreed he thought most Governments would regard the disagreement as a vote of no confidence and take steps accordingly. He just wished to refer to the amendment—he hoped he did not appeal to deaf ears—that Mr. Churchill and other members whose names followed his own on the order paper would be content with an opportunity for debate and would not carry this to a division or would not move the amendment which quite obviously was drafted before the White Paper was drafted.

*Mr. Churchill.*—No.

*Mr. MacDonald* said he was surprised.

*Mr. Churchill* said it was drafted at 6 p.m. yesterday after the White Paper was issued.

*Mr. MacDonald* said he assumed from the contents of the amendment that it was drafted before the White Paper was issued. He hoped that all he required to do was to give Mr. Churchill this assurance. The first point was this, 'Providing that nothing in the said policy shall commit this House to the establishment in India of a Dominion constitution as defined by the Statute of Westminster'. There was no Dominion constitution defined by the Statute of Westminster. He would like to draw the attention of Mr. Churchill on that point to the fact that the Statute of Westminster in terms of the Statute itself could only apply to the Dominions specific in it. Therefore before anything was done to Burma and India or any other section that had advanced across the boundary of an absolutely subject state and was put into the category of a self-governing state—not one of them could be subject to or could enjoy whatever privileges that Statute of Westminster conferred without specific legislation in this House.

*Mr. Churchill* interrupted and said that nobody had ever suggested that a constitution could be set up without an India Bill.

*Mr. MacDonald* said he was not referring to the India Bill at all. The only way in which it could be brought under the Statute of Westminster by the Bill which the Government contemplated would be by a specific clause in the Bill. But he was not to contemplate that. He contemplated a Bill which would go through giving India the power adumbrated in the White Paper containing his declaration at the Conference yesterday but that alone would not bring India under the Statute of Westminster. If India was to be brought under the Statute, a clause to that specific effect must be in the Bill or if it was not there and India was going to enjoy the liberties and powers of the Statute of Westminster then another Bill adding the name of India to the list of Dominions in the Statute would be required to be passed by the House of Commons.

*Mr. Churchill* interrupting again asked if he undertook Mr. MacDonald to say that there were two matters, one a clause in the India Bill and the other an amendment of Westminster.

*Mr. MacDonald* replied the second Bill would be an amendment of the Statute.

*Mr. Churchill* remarked that then he was right in his interruption about the India Bill.

*Mr. MacDonald* said 'yes'. That was one of the two ways but he had taken Mr. Churchill's interruption really to mean that powers could no be given to India which would bring her under the Statute of Westminster. Mr. MacDonald declared that no power was given to India in the White paper and that nothing could develop from the White Paper or on the lines of the White Paper which would put India under the Statute of Westminster.

*Mr. Maxton* interrupted and said that then there was no chance of it giving India Independence.

*Mr. MacDonald* :—Let me deal with that interruption because after all this is not our only audience to-day. In the ordinary way I should let that go but I say

this that the White Paper and the powers foreshadowed in it have been accepted as promising, at any rate by the Round Table Conference, and that the question of application of the Statute of Westminster although not dealt with here and not in contemplation by the Government is not a question barred for ever; but if India comes under it and when she comes under it, it will be by precisely the same consideration, precisely the same machinery, precisely the same method by which Canada, Australia and New Zealand have come under it. The interruption (of Mr. Maxton), if used in India, as meaning that India is being put in an inferior position will not be accurate. I hope India will not have any misconception of the position.

*Mr. Maxton* : The Prime Minister took my interruption very seriously. I also do not want it to be misunderstood in India. I merely made it to indicate to this House and to India that in the assurances which the Prime Minister is giving Mr. Churchill in reply to his interruption, he was pointing out and making a case that it was almost impossible for the Indian people under the contemplated legislation to secure complete independence.

*Mr. MacDonald* : There is no intention of it and India does not want it. Moreover, if this is going to be a subject of controversy in India there are provisions in this White Paper which will withhold for the transition period the power from the Indian Federal Government which the Dominions enjoy. Everyone knows that and Indians agree to it. Therefore nobody must make that observation to serve as a stick with which to beat this Government not here but in India.

*Mr. Lansbury* : It is rather important that we understand what the "Prime Minister does really mean. We understand that there are certain reserved subjects which it is agreed that they shall be ultimately reserved from the Indian legislature. Do the Government when they talk about Dominion Status intend at any period that India shall attain it and do you want her to attain full Dominion Status, the same as other Dominions.

*Mr. MacDonald* : The point is perfectly clear and settled. I am dealing with the situation as it is to-day. I say regarding the Statute of Westminster two main things. Firstly, the Statute of Westminster in the way it is drafted applies only to the Dominions specified in its preamble and secondly as long as this is a transition stage which is contemplated in the White Paper and agreed to by the Indian representatives, and lastly the Statute of Westminster cannot apply to India. When Parliament deals with reserved subjects, when the time has come to remove the reserve from them, then the Statute of Westminster may be a subject of amendment such as has been alluded to.

Proceeding *Mr. MacDonald* said *Mr. Churchill's* amendment wished all to provide that the policy to be followed should effectively safeguard British trade in and with India from adverse or prejudicial discrimination. That was exactly what the Government was standing for at the present moment. What, moreover, had it to do with the subjects of an agreed resolution agreed to at the end of the first phase of the Round Table Conference? It was raised on a very slender point. It was raised against the other day but *Mr. Churchill* could not carry any one into the division lobby with him on the ground that there was any doubt as to the position of the Government on this point.

Then again *Mr. Churchill* wanted to provide that no extension of self-government in India at this juncture should impair the ultimate responsibility of Parliament for the peace, order and good government of the Indian Empire and that was one of the subjects of safeguards.

*Mr. Churchill* interrupting said that he understood the Premier to say that the various provisions in *Mr. Churchill's* amendment were agreed to by the Government.

*Mr. MacDonald* :—No.

*Mr. Churchill* said that he thought that was the purpose of what *Mr. MacDonald* had been telling.

*Mr. MacDonald* replied that the safeguarding provisions were the governing conditions. These had been stated at the plenary session of the Conference by the Government representatives and fought out in the Federal Structure Committee by the Government's representatives. 'You could not ask people to disagree with them on that point.'

*Mr. Churchill* interrupting again asked whether *Mr. MacDonald* would permit the insertion of those very principles to which *Mr. MacDonald* had said he

consented. Mr. Churchill explained that he was asking whether Mr. MacDonald would not accept an amendment to assert those principles with which Mr. MacDonald was in agreement.

Mr. MacDonald retorted that if there was anything in the amendment really germane to the present position he would certainly consider the acceptance of it. He contended that in view of the statement contained in the White Paper those conditions were not of a nature to justify any one voting against the policy declared in the White Paper. The Government had stated their position at the Conference yesterday. He put himself in the hands of the House. If the House, however, asked the Government to agree not to do what they had done yesterday, he would certainly be no party to it. There was an expression 'good government' in Mr. Churchill's amendment. It was very vague and general. He exempted that expression from what he had said of ultimate responsibility for peace and order—certainly in the provinces as well as the centre.

Mr. MacDonald said that the night before last there was a very remarkable and helpful speech delivered by Mr. Jayakar. He would like to quote a sentence from it. Mr. Jayakar had said: 'I thought it my duty to speak quite frankly from my point of view. I think it a very great opportunity for your country. The question is whether you take hold of it. Everything depends on the way you make your choice. We can only watch you make the choice. The privilege of making it is yours. The young and old in India are watching on the tiptoe of expectation to see what is going to be the issue of this Conference. Is it going to be a success or failure—failure in the sense in which I have spoken? I hope Providence will enable you to decide it to be a success.'

Mr. MacDonald concluded: 'I beg and pray this House by the debate on these two days and finally by the decision by a division in the lobby, should that be necessary, to help the Government to make its work a great and abiding success.' (cheers).

*Major Attlee*, following Mr. MacDonald, declared that the Opposition welcomed the Government's reaffirmation of the principle of central and provincial responsibility and also the reaffirmation of the Government's belief in an all-India federation, but they wanted also to know what was to be done in the future to carry on the negotiations. Were the reports of the committees to be made to the Round Table Conference or to the House of Commons?

*Mr. MacDonald*, interrupting, said that the conference remained in being and would have to meet in due course.

*Major Attlee* replied that it was satisfactory to know that the method of negotiation through the Round Table Conference would continue. After what had been done retreat would be disastrous. Mr. Churchill's action indicated total failure to grasp the essentials of the Indian problem. The path of safety was the path of bold advance. They could not allow the conference to fail.

*Earl Winterton* was of opinion that the Premier's announcement was not calculated to produce either much enthusiasm or indignation. There was really nothing to fight about, for the announcement contained nothing which in any way altered the situation. If a bill was to be introduced for major constitutional changes the Premier and his colleagues would have to reach a decision and themselves find a solution of the problems of the minorities and the safeguards. Hence he did not see much object in having more committees. He urged that the Government should exercise great care in establishing committees since they might do much harm, although they might do something to elucidate certain points. He appealed to Mr. Churchill not to press his amendment since there was nothing in Mr. MacDonald's announcement to which Mr. Churchill should object. He proceeded to urge that if the Burma Round Table Conference showed a consensus of opinion in favour of a particular constitution the Government should accept it.

*Major Cadogan* confessed that he was not greatly impressed by the unanimity of the demand for responsible government until the meaning of it was more definitely indicated. He said that the Premier would render incalculable service to India if he succeeded in dispelling the distrust of British promises.

*Col. Wedgwood* declared that the Round Table Conference had failed because it had not produced the heads of agreement necessary if an agreed legislation was to follow. The Government must now take full responsibility for carrying to the ultimate conclusion the declaration of 1917.

*Mr. Chotzner* said that no safeguards had been laid down for the civil service and the police. He paid a tribute to both the services and urged that it was essential to prevent interference with the well-being and future of the police.

*Mr. Mitchell Banks* hoped that it would be recognised that the committees would not be statutory bodies and that their utmost power would be to make recommendations for the consideration of Parliament.

*Miss Rathbone* expressed relief at the Premier's statement for she had feared that reactionaries might impel the Government to reconsider its pledges to India. Poverty was at the root of Indian discontent. She suggested that at least a part of the cost of the Indian army might rightly be contributed by Britain or the Empire. She was confident that India would soon be an equal partner in the Empire but India would be crippled until both the workers and women were completely free.

*Sir Reginald Craddock*, who is a supporter of the amendment, objected to the pledge to give India responsible government on the ground that it was unfulfillable. 'All we could do was to give India a paper constitution bearing the name of democracy or responsible government but which would be a complete sham and would put the country under the oligarchy of men from whom we had so long been protecting it.' *Sir R. Craddock* maintained that when the British were accused of breaking their pledges they, as good and easy going people, did not pause to see whether the charge was justified but hastened to do what their accusers wanted. The accusers had calculated on that quality of the British.

The plain John Bull was no match for the Brahmins and Banias. Our negotiators had no more chance than Adam and Eve with the serpent. (Laughter). The apple indeed—of discord—was thrown into India by *Mr. Montagu*. Until then there was no difficulty in governing the country because the people felt that they were being governed impartially, but from the moment the apple was thrown in, the question became if the British are not going to govern us, who is? That question has been dominant ever since. The administration of law in India during the last three or four years had been lamentably weak. Concession only led to more concession. We made concessions to induce *Mr. Gandhi* to come to London. *Sir R. Craddock* asked whether they were worth while. He contended that it was impossible to tell whether *Mr. Gandhi* was here as a saint or as a politician. On alternative days he explained away what he had said the day before. His alternating fluctuations were made on six days and the one day left was his day of silence when nobody knew whether he was *Dr. Jekyll* or *Mr. Hyde*. *Sir R. Craddock* declared that democracy under Hinduism was an absolute impossibility and it was sheer mockery to suggest that the depressed classes would be looked after by the higher classes.

*Sir Samuel Hoare* said that the new Parliament was unlike any of its predecessors. The unprecedented size of the majority was an outward expression of the national demand for action. Just as in the countries used to dictatorship the demand for action meant Fascism and Bolshevism, so here, with our parliamentary traditions, it had taken the form of this huge majority. To-day as a result of the nation's action, the British House of Commons could be the most powerful instrument of government in the world. We, therefore, asked it to look critically, calmly and resolutely at one of the gravest questions that would face it during its lifetime.

The Government could not avoid a decision upon its Indian policy. Would it succeed or not in building a new bridge between England and India that would unite them forever in friendly partnership and mutual understanding? It had often been said that the House of Commons took little interest in Indian affairs. That charge would not be made against the present house. *Sir Samuel Hoare* dwelt upon the informative nature of today's speeches and urged the honourable members to keep their eyes and minds constantly concentrated on Indian questions. Let them, if they think fit, criticise the action and policy of the Government. These issues were much too grave for platitudes, reticences and generalities. Everyone had a right, indeed a duty, to say what he thought. He was the last man in the world to resent the criticisms of men, who with the fervour, sincerity and knowledge of those honourable friends who did not see eye to eye with the Government, did not resent their criticism.

They resent the statement of the problem as it appeared to him. Of all the difficult controversies in the world the most difficult were those in which each

side was right. When all right was on one side, it was easy to make a decision. When, however, the scales of justice were evenly balanced, it was difficult to give a simple verdict. Such a controversy was the Indian controversy. On the one hand was the splendid record of the British administration in India. During the 170 years of our partnership we had given the Indian continent peace and justice. We had given India a sense of unity that it had never possessed before. We had expelled from it the spectre of famine and on all sides we had opened out opportunities of advance for its teeming millions. From the days of small things when our only officials were the revenue collectors, when our only interest was trade, when Warren Hastings was an assistant ware-housman in the service of the East India Company, when Stamford Raffles was a clerk at a few shillings a week, our partnership entered into almost every corner of British India and Indian life. Such associations as a result of nearly two centuries of splendid endeavour could not be destroyed. Such partnership of the utmost value, he believed, as much to India as to ourselves, must not be dissolved. That was the first factor in the situation.

The second was of a different character. It was not the result of our connection with India at all, but of the general wave of sentiment that had spread with increasing force over the world. Indian nationalism was not a sentiment peculiar to India. There was no country in Europe or Asia in which we did not see it working with unprecedented strength. In India it had shown much the same symptoms as in Turkey, Iraq, Czechoslovakia or Poland. There, as everywhere else in the world, it had concentrated in a demand for greater share in the national Government. Though the demand might from time to time take embarrassing forms, we could not in justice resent its existence. It was we who had created many ideas of national unity in India and it was we who had encouraged the nationalist movements in many countries of the world. That was the problem which faced us. That was the core of the whole problem. We had to reconcile the obligations of the long British partnership with India with the legitimate aspirations of Indians to take a greater part in their own government.

The question which Sir Samuel Hoare had to answer was whether it was possible to satisfy the demand of Indians to govern themselves without endangering the vital interests, Indian and British, that had been created during our long partnership. There was room for difference of opinion as to the chances of success, for the problem bristled with difficulties at every stage. Personally he was hopeful but in any case it was worth the while of this new powerful Parliament to make the attempt. If indeed they were successful during the years of their existence in making reconciliation between the two points of view, they would show themselves worthy of the confidence that the electors had reposed in them and of the gratitude of all future Parliaments.

He had now been incessantly connected with Indian questions for more than a year. Not a day had passed, whether he had been in or out of office, in which he had not been discussing them. Perhaps, therefore, honourable members would forgive him, if he offered them a piece of advice founded upon his experience of the last 12 months. They should follow the advice given by the Prime Minister yesterday and that afternoon to keep clear of phrases and generalities. Phrases and generalities, it seemed to him, had done more harm in Britain's attempt to find reconciliation between the two views, British and Indian, than almost anything else, and so far as he was concerned, he had always tried to avoid the use of high-sounding phrases and to address himself constantly and continuously to the actual facts.

A year ago a great battle was being fought over the phrase 'Dominion status'. He hoped that now they would not get into a similar wrangle over the phrase responsibility at the centre. Responsibility at the centre to some people appeared to be one out of the ten commandments they must all observe. To others on the other hand it appeared to be an unforgivable sin which we must never commit.

As far as India was concerned all three parties were equally committed to accept the fact that responsible government was the ultimate objective towards which all of them were working. It was, therefore, not a question whether India was to have responsible government or not. They were all agreed that some time in the future, it should have responsible government. The question to which he invited the attention of the House was not whether India was to have responsible government or

not, but when it was to have responsible government and under what conditions. The Prime Minister's statement and the deliberations of the Round Table Conference threw much light upon the answer that they could, at the present, give to the question and he wished to say in passing that as far as the Round Table Conference was concerned, he did not admit the justice of many of the criticisms made against it during the course of the debate. 'I believe myself that though it may so far have failed in finding an agreement upon many fundamental question and great many details, yet it has played a very useful part and the Indian controversy will never be quite the same again.

'Speaking for myself I can honestly say that it has been a great privilege to me to sit there day after day, week after week, with a number of prominent Indian representatives in the very difficult task. The representatives of the Government were in a peculiarly difficult position and very often my Indian colleagues might have thought us to be hypocritical, but I can assure them and I can assure the House that during these last sessions I have learned a great deal and I believe they have learned something too. I am quite sure as I said just now that the controversy, if a controversy there be, in the future is not going to be as bitter as in the past as a result of the associations and friendships made during these long weeks. I have said that by the way and I must come back to the point, to the present position of the Government and I believe of the great majority of members of this House towards the advance to responsible government.

"The Prime Minister's White Paper had clearly set out the position of the Government. We have stated clearly and categorically for the Government that we will accept what the Prime Minister said on behalf of the last Government in last January. We are prepared to make an advance to responsible government both in the centre and in the provinces upon certain definite and specified conditions.' There were two conditions that most members knew all about, but he must for the sake of clearness repeat them at this part of this speech. The first condition was that responsible government at the centre must be an All-India Government representing both British India and the Indian States and the second condition was that the several obligations which had resulted from our long association with India must be safeguarded—and must be safeguarded, as he would show, just as much in the interest of India as ourselves. (Cheers). The whole basis of our discussions during the last twelve months had been that the constitution that we were considering must be an All-India constitution.

As the world grew closer together as time and distance were eliminated, so it was quite impossible in a sub-continent like the Indian continent that one section of it should be isolated from the other section and he was quite sure that whether it was in the interests of the Princes in the Indian States or whether in the interests of British India, the future of India must be upon an all-India federal basis. It was a fashion to say that an all-India federation had during the last two weeks drifted away into the very distant and very vague background. He said categorically that that was not the case. Differences had emerged. What else could they expect when they were dealing with 600 States varying in every detail of their government, varying from the great States like Hyderabad as big as some of the great Powers of Europe to a State of few acres with a revenue of quite a few rupees. Of course there must be differences to be adjusted when one was dealing with a body of individuals and States whose interests and whose conditions were at variance. But none the less he could tell the House that the idea of all-India federation definitely and permanently still held the field and that only at the last session of the Round Table Conference the Chancellor of the Chamber of Princes, the Nawab of Bhopal, had repeated it and the representative of the greatest State in India, Hyderabad, had reaffirmed it. It was not only the ultimate ideal but it was a practicable factor in the problem and they were going to do what they could to surmount these differences and to make it possible for Indian States and Princes to take their part in an all-India federation. So much for the first condition upon which we were prepared to advance towards responsible government.

He would give the second condition, the safeguarding of obligations which had grown up during the long years of our association with India—obligations which, he said, must be specified just as much in the interests of India as of ourselves. He had more than once stated these obligations and he ventured to state them once again this evening. He would do so shortly but he hoped that none of his Indian friends would think on that account that he was peremptory about the



details or about the machine for ensuring them. If he stated them shortly it was because he had not unlimited time in which to address the House. First of all, until India was in a position to defend itself our command of the army must be clear and undisputed and our control of the foreign affairs must be reserved. Secondly, our relations with the Princes must be retained by the Crown. Financial stability must be effectively safeguarded and so ultimately must internal security. The minorities must be protected. There must be no unfair economic and commercial discrimination against British traders. (Cheers).

The rights of the services recruited by the Secretary of State must be safeguarded. He had said just now that these were the obligations which must be kept just as much in the interests of India as for ourselves. He would tell the House why he made that claim. He took the case of the Army. Surely until India could defend itself it was to the advantage of India to be protected from the ravages of the British occupation it was so often subjected. It was therefore in this period before them immensely to the advantage of India and for India's development to have the protection of the British Army.

Then again there was finance. Surely it was to the advantage of India, in a difficult period when they were embarking upon constitutional changes, to have behind it the steady support of British credits. Nothing could do India greater harm than to have its credit shaken and nothing would do it greater harm particularly in these difficult days of constitutional changes than to shake the confidence of British traders to whom India owed much and to whom he believed India would owe very much for the capital it so greatly needed for its own development.

He hoped he had said enough from the two examples he had taken to show that when they spoke of the safeguards they were not proposing obstacles for the purpose of blocking India's constitutional development but they were thinking much more of the protection which was urgently needed for India no less than for ourselves.

"These safeguards are not shackles upon India's future. They are rather the stays without which the new Indian constitution will lack the sure and safe stability that it will so much need. If these obligations can be satisfied, if on the one hand we can set up an all-India federation and if on the other hand we can ensure these necessary reservations, I am prepared to make the advance both in the centre and the provinces that is foreshadowed in the Government White Paper. Indeed I go so far as to say that I believe that a Government set up under such conditions as I have mentioned might very well be a stronger Government than the Government that we have got in India at the present time.

I do not make the least criticism against any official high or low in the Government of India. I think they are carrying out their difficult task with magnificent efficiency, but what does strike me coming fresh to the India Office in the course of the last few weeks is that the Government of India as at present constituted is vulnerable in two directions. First, it appears to me to be overcentralised. In the old days when the problem of the Government was a central one and the needs of the governed were very few, it was possible to rule a great continent with a high centralised machine. I suggest for the consideration of the members that they should give their attention to this side of the problem and ask themselves whether now that the problem of government has become so immensely complicated time has not arrived when there ought to be some kind of decentralisation. That is the reason why I, and I think a great majority of the members of the House, have always been anxious to see this decentralisation carried out in the way of provincial autonomy.

There is another consideration and if members will take it into account, they will appreciate its significance. The Government of India to-day is a government composed of official and nominated members. Almost every politician in the country to whichever party he belongs is in the happy position of being in totally irresponsible opposition. That leaves the Government in a very vulnerable position. I look forward to the time when the Government will no longer be in so vulnerable a position and when with the ebb and flow of politics the Opposition might be subjected to the salutary checks and hopes of the risks of being in office itself. I am only suggesting these two lines of thought, nor do I wish to dogmatise upon them. What I wish is that members in approaching this problem would give them their most careful attention. If my survey of the situation is correct I would venture

to say that our objective should be the following: First, an All-India executive and legislature, and I hope that neither the executive nor the legislature would be too big. They should both be designed for the exclusive purpose of carrying out certain clearly marked federal duties. Secondly, autonomous provinces in which each province shall be given the greatest possible freedom for its individual development and as the basis of the whole structure the safeguards without which British India and Indian safety and credit cannot continue. That should be our objective. This is the objective of the Government envisaged in the White Paper.

'Here let me turn aside for a moment and say to Mr. Churchill that I do not quite understand the bearing of his amendment upon the statement as I understand it. No doubt to-morrow he will elaborate his views when he comes to address the House. Let me only say to him to-night that knowing the views he has so brilliantly and so frequently expressed in this House and in the last House I am a little bit nervous as to whether we and he mean the same thing. One of my great causes of regret during the last few months is that he and I have not always seen alike upon Indian questions and I would like to be quite clear before we end this debate whether he and I understand the statement and his amendment in the same way. I do not want to press him now but let me suggest to him the kinds of doubts that are in my mind at any rate.

'Now having stated as well as I could the objective of the Government policy, let me in conclusion suggest to the House the way in which I think we should approach it. I noticed in the course of the debate that there has been a good deal of suspicion in the minds of many members lest this process of procedure by conference should side-track this House and Parliament as a whole. Let me say clearly and definitely that there is not the least intention in the mind of any member of Government of side-tracking the House in any way or in any direction. This House must have the final say, this House is the sovereign Parliament and any bill that passes on to the Statute Book must stand fire at every stage of discussion both in this House and in the other. Let therefore no member think that he or this House is being pushed out of the picture and that one of these days we are going to wake up to seeing some document signed, sealed and delivered behind our backs and that we have got to accept it at a moment's notice. Having said that, let me however add that I think that members in their own interests would be wise not to discourage this method of consultation and conference. I would suggest to them that if we are discussing and legislating upon Indian constitutional questions it is much better that when we come to our debates we should have for our consideration the views of representative Indians. If his amendment is intended to be a derogation or diminution of the Government statement then quite obviously we could not accept it. If it is not intended to be a derogation of the Government statement then I do not quite understand what it does mean. For instance, there is a passage about the Statute of Westminster. I really do not know what he means by that. The Statute of Westminster has no more to do with the statement of Government policy than the man in the moon. Secondly, there is his point about commercial discrimination. I have said quite clearly that we insist as one of the safeguards that must be made that there shall be no unfair discrimination against British trade. Perhaps to-morrow he will let us into his confidence and tell us whether there are more in his mind than that. Thirdly, there is the point about law and order.'

*Mr. Churchill.*—Ultimate responsibility of this Parliament.

*Sir Samuel Hoare* continued: 'I hope very much that he and I are in agreement upon this. What we mean in this—not that the British Government or the Government of India should intervene in day to day details of Indian administration, if we meant that it would be a mere farce to talk about any transfer of responsibility at all either at the centre or in the provinces—what we mean is that in extreme cases there must be ultimate power somewhere and that ultimate power would reside in the provincial Governors and the Viceroy. That is what we mean and perhaps to-morrow he will tell us whether he and we mean the same thing. I very much hope we do.

'I think it would help us a great deal, particularly if we had agreed views of representative Indian opinion. Moreover, in proceeding by this method of conference and consultation we are not adopting any method peculiar to India or Indian

affairs. The method of procedure by conference is a method that seems to me to be adopted in dealing with almost every big national and international question at the present time. When the Secretary of State for Foreign Affairs goes to Geneva and discusses the Manchurian question or disarmament, this House is not abdicating its powers. When again in a few month's time the Imperial Conference meets to discuss vital questions of the empire's economic future we here in this House are not divesting ourselves of any of the powers of a sovereign Parliament. I would therefore venture to suggest to the members that they would do well not to discourage but rather encourage this method of procedure always remembering, as I have said more than once in my speech to-night, that the final word must rest with them.

As to the committees—and I have been asked a question or two about the committees that are going to report—and there again the House is in no way losing its ultimate control, these committees are committed with definite terms of reference to undertake certain inquiries that would have been quite necessary if there had been no Round Table Conference at all. For instance, we would anyhow have a committee about franchise. It would have emerged directly out of the Indian Statutory Commission. Let me say this about franchise. I say that as I understand that certain anxieties were created earlier in the debate. Definite instructions will have to be given to the Franchise Committee as to how they are to work. The Prime Minister when he spoke of the *status quo* in electoral matters said inferentially that quite obviously such arrangement as the system of separate electorates where it at present exists could not be altered. I say that to show you that the Franchise Committee will have to have some definite instructions. So also with other inquiries. Two of the other inquiries are connected with the relations of Indian States with British India particularly in matters of defence—those committees are absolutely essential not only to the Round Table Conference but even more to this House if we are to come to an intelligent decision when at some time in future we will discuss the question of changes in the Indian constitution. I hope that I have now said enough to reassure the House and to enforce the final appeal which I have ventured to make to them.

*Earl Winterton* asked : Will Sir Samuel Hoare answer my question about Burma ?

*Sir Samuel Hoare* said : I would like to do anything the noble lord has asked me, but I cannot answer his question to-night. I am asking the Commons to throw the whole weight of their unprecedented authority behind this attempt to reconcile the British and the Indian points of view and I am asking the members to keep constantly in mind the factors which I have emphasised in this speech and to help us in finding reconciliation between Indian aspirations and imperial needs, between two great civilisations each of which, though it may differ from the other, can claim ancient existence, a splendid history and a brilliant future. (Cheers.)

The debate was then adjourned till the next day when Mr. Churchill moved his amendment.

#### HOUSE OF COMMONS—3rd, DECEMBER 1931

### Mr. Churchill's Amendment

To-day Mr. Churchill moved an amendment to the effect that the following be added to the resolution moved by Mr. MacDonald :—

*'Provided nothing in the said policy will commit the House to the establishment in India of a Dominion constitution as defined in the Statute of Westminster.*

*'Provided also that the Government's policy effectively safeguards British trade with and in India from adverse prejudicial discrimination.*

*'Further, Provided that no extension of self-government in India at this juncture shall impair the ultimate responsibility of Parliament for peace, order and good government in the Indian Empire.'*

Mr. Churchill declared that during the War India obtained Dominion Status as far as rank, honour and ceremony were concerned—the representatives of India

attending the Imperial War Conference, the Peace Conference and the League of Nations. Public men did not contemplate India having the same status and right as Canada and Australia. The political, social, racial and religious conditions were such that any attempt to apply democratic institutions to India would produce tyranny and misery ending in bloodshed and probably, utter confusion.

Under the Government of India Act of 1919, Parliament had been given powers to regulate the pace at which constitutional reform should proceed. Mr. Churchill declared that the Simon Commission's Report, on which all the members were unanimous, should have been the basis of discussion. Great responsibility rested on those who incontinently departed from recognised constitutional procedure. The negotiations with Mr. Gandhi and the flowery speeches about the United States of India were interpreted by people who did not understand them as a collapse of national and Imperial morale. 'Foreigners were unable to believe that we were only required to make a sustained effort' to recover the entire position.

He was completely mystified after the statements made by Mr. MacDonald and Sir Samuel Hoare regarding the policy of the Government. The Premier's speech at the Round Table Conference had been made a State paper which superseded the Simon Commission's Report and committed the Government to the full Socialist policy as promulgated by Mr. MacDonald. Mr. Churchill said that he was authorised to withdraw the amendment if the Government would add to the resolution the words, 'and also the speech of the Secretary of State for India on Dec. 2', adding that if this was done the Government would have the unanimous vote of his supporters.

The Premier intervened, saying that everything in Sir Samuel Hoare's speech was in the White Paper by which the Government stood.

Mr. Churchill retorted that Mr. MacDonald's answer meant that his offer was refused. They would, therefore, persevere with the amendment.

Mr. Churchill's most trenchant criticisms of the Prime Minister's policy were greeted in an appreciable measure with the Conservatives' cheering. The peers' and public galleries were packed.

Sir John Simon said that the White Paper had been prepared not by an individual but by a united and deliberate decision of the whole Cabinet. He reminded Mr. Churchill that he had been a member of the Cabinet which was responsible for the Montagu declaration, which the British Parliament had accepted unanimously and which had been offered to India. He reminded the House that there were great many things to be borne in mind as regards India, not only the difficulties of its races, creeds and castes but also the declarations made in the name of the British Government in India, and he wanted to know where the House of Commons stood.

Justifying the course which the Government was asking the House to adopt, Sir John Simon said that he was glad to hear Mr. Churchill mention the Simon Commission's Report as a work of reference, and not merely to use it as a missile. Replying to Mr. Churchill's various criticisms, Sir John Simon said that the Government stood by the proposals that under certain well-defined conditions the police in India ought to be transferred to responsible provincial Governments. If honestly wanted to pursue the achievement of responsible government, one must place the responsibility for the departments of Government open to criticism and attack upon the shoulders of those upon whom one wished the responsibility to be placed. Three-quarter of the trouble in India since the Montagu Reforms was due to the very wide opportunity given for irresponsible criticism and our refusal to put responsibility upon the shoulders of the critics.

As regards British trade, Sir John Simon recognised the importance of protecting it but it would be unwise to pick out one particular matter as if it was the one principle that interested Britain. The real difficulty about the Indian constitutional problem was that for the very large masses of Indians the conception of self-government was not yet really adopted and understood though it was understood by the influential leaders. There was no ground for picking out this particular minorities question and treating it as though we were not equally concerned with other minority questions.

Sir John Simon, in the conclusion, said that there was an interest to be served over and above the satisfaction to our own minds as to the necessity of a particular

declaration made on a particular day. Beyond doubt there was in many Indians' minds the perfectly sincere question whether or not British statesmanship intended to pursue vigorously to the best of its power the road to the definite goal. He knew it was true that the Cabinet desired to do so. He asked the House of Commons to authorise the message to go forth that the declaration made on behalf of the whole Cabinet would receive the unanimous support of the House of Commons.

Sir John Simon was listened to with the same close attention as Mr. Churchill and his speech clearly gave the closest satisfaction to the Prime Minister who sat pale and tired beside him.

Mr Robert Bernays maintained that sober opinion both in England and in India favoured the Premier's declaration. He said that all were substantially agreed about what should be done but he inquired when a beginning was to be made. He reminded the House of the danger of delay.

Mr. Wardlaw Milne argued that the House by accepting the White Paper policy would not be committed to an anticipation of its decision when further steps were proposed. He urged that it should be made clear that the duration of the period before self-government on the same terms as of other Dominions was achieved would depend entirely on conditions in India and the co-operation offered.

Mr Buchanan announced that the Independent Labourites would vote against the White Paper policy, being of opinion that India was ripe for full independence and that Indians were as capable of self-government as the British.

Mr Molson commented on the degree of unanimity reached at the Round Table Conference regarding commercial discrimination and said that the Europeans in India were satisfied, and if anything more was required it was Sir Samuel Hoare's speech last night. Stressing the importance of goodwill, Mr. Molson believed that he was voicing the European opinion in India when he declared that reference to this matter in the amendment was likely to prejudice good relations and render more difficult a settlement by agreement which had almost been reached at the Round Table Conference.

Sir Austen Chamberlain, opposing the amendment, said that Mr. Churchill knew that it was impossible to add Sir Samuel Hoare's speech to the motion. His proposal to say one thing to one party and then add something else when making a statement to another party could not be accepted by any honourable body.

Mr Churchill protested and said that the House was asked to approve of the Government's policy which should be the whole policy as set out in the statements of the Premier and Sir Samuel Hoare.

Sir A. Chamberlain, pointed out that the statement was made on behalf of the Government which had told the Round Table Conference that they would get the approval of the House. It was not open to the Government to alter its attitude and break the promises. Sir A. Chamberlain said that there was no contradiction between the Premier's statement and Sir Samuel Hoare's speech. He concluded by urging the Government to develop self-governing institutions in villages and elsewhere in order to build up a body politic which was essential to the success of any constitution.

Mr George Lansbury, winding up for the Opposition, read long statements so rapidly that the Ministerialists frequently protested. He declared that the Opposition, while accepting the Government's declaration at its face value wished to make it clear that India had the right to say when she herself desired to receive the rights and duties of a nation. They believed that India would wish to remain within the British Commonwealth but the choice must be hers. They desired that the Government should continue to negotiate on lines which would enable India to realize that we were not relying on force alone but on goodwill. Mr. Lansbury appealed to Mr. MacDonald again to see Mr. Gandhi (with whom Mr. Lansbury had not communicated on the subject) and use his persuasive powers to make 'that great man' understand that the differences were not insurmountable. He was confident that India would become one of the foremost partners in the Empire but we must substitute comradeship, brotherhood and co-operation for domination and imperialism. The true ideal was unity of universal love.

Mr. Lansbury was subjected to considerable interruption. He protested to the Chair at the end of his speech and complained that 'the behaviour of the House is a disgrace. People in the gallery (there were a number of Round Table Conference delegates and others present) can judge the kind of people who hold their destiny in their hands.'

The protests in this connection from the Conservative benches had not ceased when Mr. Baldwin rose to wind up the debate.

Mr. Baldwin, winding up, intimated that Mr. Churchill's motion would be taken as a vote of censure. There were some in the House who were deeply convinced what was the right course and would think before they allowed themselves to censure the Government. Referring to the various point raised by Mr. Churchill, Mr. Baldwin regretted the statement made by Mr. Churchill, perhaps in a moment of high tension, that it was at one time put about in the House by the whips that the agreement would never be reached between Indians. Mr. Baldwin said that as far as he knew that was an invention. He had consulted the chief whip who had denied all knowledge of it. Mr. Baldwin mentioned this because he hoped that whatever statements were made in the Indian press quoting Mr. Churchill what he (Mr. Baldwin) said would be equally quoted.

[Note.—Mr. Baldwin's reference was to a statement of Mr. Churchill's that when the Conservatives in the last Parliament were showing apprehension the Conservative whips took the view that the fears were groundless because everything depended on Indians reaching an agreement between themselves of which there was no chance.]

Mr. Baldwin, replying to Mr. Churchill's point that they had gone outside the terms of the Government of India Act in inviting a conference to London, said that the flexibility of our political experience enabled us to meet situations as they arose and in this case they thought that they ought to add the conference to the lines laid down in the Act. Mr. Baldwin denied that the conference had been a failure. It had not done anything cut and dried but it had brought the English and Indians more closely together than they had been before and had taught us and Indians a lot. Mr. Baldwin urged Indians to strive as the work proceeded in India to frame a constitution in which village life would play the great part it ought to. Mr. Baldwin paid a tribute to the delegates of all the three parties at the conference. He said there were extremists on both sides who were perfectly honest in their convictions. There were extremists who would go to the point which in his view would lead to anarchy and others who regretted the Montagu Reforms, but not only the bulk of the House but the bulk of the country were with the Government, and he was perfectly certain that, if a referendum was held, the country would say 'go on'. Mr. Baldwin declared that there was no difference of any kind between Sir Samuel Hoare's speech and the White Paper. Replying to the question with regard to the transitional period, Mr. Baldwin said that nobody at present could say how long it would last but it was the will of Parliament that it should last and, if and when the constitution was established, nothing therein could be relaxed without the consent of Parliament. Referring to the committees, Mr. Baldwin said that the names and terms of reference would be announced in the House of Commons and their reports would in due course be published and would be available for Parliamentary discussion. Mr. Baldwin, concluding, said they were going forward with the full realisation of the gravity of the problem but with a will to proceed with all courage, perseverance and goodwill.

Mr. Churchill's motion was defeated by 369 votes to 43. Mr. MacDonald's motion was carried without a division, only a few Labourite left-wingers standing up to oppose it.

Messrs. Buchanan, Maxton, Kirkwood and McGovern had given notice of an amendment urging the Government to restore full independence to India but there was no time for moving it as the debate automatically ended at 11 p. m.

#### HOUSE OF LORDS—8th. DECEMBER 1931

In the House of Lords to-day Lord Lothian moved a resolution for the approval of the Government's Indian policy. There was a large attendance in the gallery including numerous Burmese delegates garbed in Burmese attire in the distinguished visitors' gallery.

Lord Lothian, recalling his recent announcement of the Government's intention to maintain law and order, said that in the long run repression was no remedy and political discontent required a political cure.

He then proceeded to review the Indian policy since 1917. He believed that the work done at the Round Table Conference represented a stage in the evolution of the relations between Britain and India which was impossible to exaggerate. He added we should in due time solve the greatest problem ever confronting British statesmanship. Mr. MacDonald's declaration of policy placed the Indian constitution on three principles, namely, federation, responsibility and safeguards. If we could convince Mahatma Gandhi that it was in the real interest of India that he should persuade his enthusiastic followers to capture the machinery of government by constitutional means, he would do more to develop independence of character and capacity for self-government than he could by any form of direct action.

Lord Lothian believed that Mr. MacDonald's statement commanded the agreement of the great mass of responsible opinion in India. If we went faster, we would imperil the structure of the Indian government and, therefore, place the liberty and security of the Indian people (in jeopardy?). If we went slower, we would be deprived of the consent and co-operation of Indians without which the policy of 1917 could not be realised. The Round Table Conference would reassemble in some form and thereafter the Government would present a draft constitution for the consideration of Parliament. Lord Lothian declared that the Government was unable to accept Lord Lloyd's amendment which would produce doubt and confusion when resolute action on the lines of the White Paper was imperatively needed.

*Lord Lloyd moved an amendment* stating *inter alia* that 'the House considers that the moment has not yet arrived at which the Government, mindful of their supreme responsibilities for the safety and welfare of the people of India, can pronounce a final judgment regarding the solution of the problem.'

Lord Lloyd disclaimed hostility to the Government, but contended that the only honest policy was to preserve an open mind until the committees had reported, so that when a constitution was presented to Parliament it would be possible to vote against it without having misled India. Lord Lloyd criticised the White Paper as dangerously vague, and said that, if all the safeguards were effective, responsibility would be a mere shadow, while, if real responsibility was introduced, the safeguards would be worthless. Contending that the Government was on the wrong road, Lord Lloyd counselled discontinuing building from the top and making a beginning from the bottom by extending and widening the basis of the franchise and deepening its foundations, thus ascertaining what the masses really thought.

*Lord Sankey* declared that the British record in India had stood the test of time. He paid a tribute to the British achievements in many spheres and said that, as a result of British policy of ordered evolution, the body of educated and cultured Indian opinion nurtured in British political ambitions, was to-day pressing for further steps along the road which it was ready to tread with us. Lord Sankey was convinced that the Government's policy would produce a happy and contented India, and appealing to Lord Lloyd to withdraw the amendment as it was likely to excite suspicion in India, expressed the opinion that only Indian doubt of Britain's sincerity could prevent the success of the Government's policy, and nothing would more effectively dispel such doubt than the House of Lords' unopposed affirmation of the Government's declaration.

Lord Sankey reaffirmed his belief in an All-India Federation and said that probably many of the peers present would live to see it, but Britain ought not to give a pledge which she was unable to fulfil. It was, therefore, impossible to promise federation on a particular day or year, for it depended on factors some of which were beyond Britain's control, for example, the adhesion of the Princes. Lord Sankey was, however, confident that the question would be settled, and he pledged himself to do everything possible to help in the establishment of a federation as early as possible. Lord Sankey, concluding, said that the Government would pursue its task. Conciliation, consultation and co-operation were the order of the day. 'For the next two, three or four years the initiative with regard to India is in your hands. What shall the policy be? Niggardly advance would mean chaos in India. The present opportunity may never recur. Let us seize it.'

*The Archbishop of Canterbury* warned the House of the effect on Indian suspicion which the Round Table Conference had largely allayed, if the amendment was passed. Referring to his meeting with Mahatma Gandhi, he said that it was impossible to resist the fascination of his strange and mystic personality, and he hoped that Mahatma Gandhi would see on reflection that his ideals were much likely to be fulfilled by a policy of co-operation with his fellow-Indians than by methods of civil disobedience. The Primate, concluding, said that to govern India had been the greatest achievement Britain had ever attempted, but it was higher and nobler to assist India to govern herself.

*Lord Sumner*, supporting the amendment, declared that the Government had not received at the last election a mandate to introduce a scheme that would revolutionise the Government of India.

*Lord Snell*, repudiating the suggestion that the Round Table Conference had failed, described the part of men of all parties in Britain and India in seeking a solution of a most difficult and involved problem. Lord Snell declared that the Opposition were anxious about some phrases in the White Paper. He referred in this connection to the statement that the Government had no intention of urging a measure of responsibility which the Conference felt to be premature and asked if it meant that the Government reserved the right to impose on India any plan irrespective of the wishes of Indians. He pointed out that the Opposition were not prepared to allow the Government to say later that because they had approved of the White Paper they were committed to whatever interpretation the Government chose to put on it. They reserved the right to consider the future stages on their merits. He wished to know whether the Government intended to carry out their plans reasonably speedily.

*Lord Burnham*, supporting the amendment, criticised the procedure of sending committees to India, and expressed the opinion that the White Paper settled nothing but tended still further to unsettle everything.

*Lord Irwin*, in a maiden speech, declared that the Round Table Conference had abundantly vindicated the conference method and that he had not the slightest doubt that the chances of solution of a great imperial problem had been immeasurably advanced by giving India the right to be the joint architect of her constitution. Lord Irwin agreed that it would be folly to under-estimate the immense difficulties but it would equally be folly to under-estimate the amount of common ground achieved by the Round Table Conference.

Lord Irwin did not doubt that Parliament was prepared to give whatever powers appeared necessary against terrorists or any potential resumption of civil trouble but pointed out the futility of mere repression as a remedy for political discontent. Lord Irwin said that only a Government that was able to convince reasonable men that it was pursuing vigorously and determinedly with a real intention to achieve a constructive policy aiming at an agreement could appeal for their support if it was compelled to employ severe measures in other direction.

Lord Irwin proceeded to argue that it was a profound mistake to treat the Indian difficulty as the work of an insignificant minority. He revealed that before the beginning of civil disobedience he consulted experienced men in India on the possibility of treating the situation by inaugurating such rigid repression as would create 'a desert which we should then call peace.' The steps examined included the suppression of the press and public speech and the closing of the councils, but he had always returned to the conclusion that it would lead to retrogression and not to progress. Therefore, they had to turn their minds to a well-constructed agreement. Lord Irwin had reached the conclusion that a general plan with safe-guards and responsibility was right. There was no reason, after the Premier's statement, for India to fear a risk of a sharp divergence of British policy. He was unable to see anything in the statement that would justify the Indian patriot doing other than putting his whole efforts into getting a practical working constitution which might contain the seeds of national expansion and growth. He had no doubt that, provided the 1917 policy was pursued, there would be increasing recognition of how vital Britain and India were to each other's welfare, so that the two countries whose fortunes and destinies were so mysteriously interwoven might for all time bring their several gifts to the aid and welfare of the common imperial society. (Cheers.)

The debate was at this stage adjourned.



9 DEC. '31 ]

## LORD READING'S SPEECH

HOUSE OF LORDS—9th. DECEMBER

The debate was resumed to-day by the *Marquis* contended that the Round Table Conference had not demonstrated to the world at large and Indians of the communal problem and dispelled the base calumny of the Western Hemisphere that the British Government this grave difficulty in pursuance of the policy of that the Round Table Conference had unquestionably towards self-government would be acceptable unless it measure of control from Parliament to an executive r

*Lord Brentford* supporting the amendment denied on Britain to go forward or any way; it was temporary place and manner of any step must be decided contended that if the House agreed to the White Paper further pledge upon Parliament in addition to the accept any pledge or responsibility for any state

*Lord Brentford* referred to the difficulties of the situation that it would be much better if the Government to India for further investigations and an agreement between the great powers. *Brentford* asked the House not to forget the Indians but remember that it was a people uneducated and not politically-minded and good government which the

*Lord Reading* contested the suggestion that the Government should take a hurried step and point to a result not only of all thought but of the Round Table Conference but also as a result of the present Cabinet of the national Government. It was supported by the Opposition.

*Lord Reading* expressed the opinion that the Round Table Conference and the Premier's speech were great in India of showing Indian support of the views presented. He said the lines laid down by the Government were correct.

not believe that any one would object to federation which he  
 a contented India. He reaffirmed his belief that safeguards  
 necessary and said that he defied the critics of the White  
 possible precaution which could be inserted and which  
 ing, Lord Reading said that the White Paper was  
 support in India and he warned that by passing the  
 would be destroying what had been laboriously built

s criticism of the position did not imply necessarily  
 s wrong but that it was impracticable if the condi-  
 ent were to be observed. He said that experience  
 of some safeguards mentioned in the White Paper  
 rd relating to commercial discrimination would not  
 nplained that there had been no attempt to show  
 asked to approve were workable. He thought  
 whether an executive responsible to the  
 should take a little more time and make a  
 He therefore suggested adjournment  
 me to consider the matter and more

did not agree with everything con-  
 nsibility. Lord Lytton said that  
 anied by full responsibility; for  
 limitation of responsibility but  
 was transferred or in limi-  
 sed. He thought that more pro-  
 bility had been given earlier.

suggestion for adjournment of the  
 the White Paper they would

al Gov. British had delivered  
 tion. that we could hand  
 e opint he had delivered the  
 Prem. ce  
 caused if the amendment

the White Paper, for which he believed there was no precedent in Parliamentary history. He moved an adjournment of the debate until Feb. 16 to allow the Government to reconsider the matter.

*Lord Hailsham* (to whose speech Mr. MacDonald listened from the steps of the throne) declared that there was a very grave misconception with regard both to the policy embodied in the White Paper and the verdict which the House was invited to express. The Government had been charged with being too much in a hurry. Had the White Paper propounded for the first time a policy which had not been subject to previous consideration or discussion it might well have been said that they should have further time to investigate it, but that was not the position. The history of the last decade showed that we were not in a hurry in dealing with the matter. Referring to the question of commercial discrimination raised by Lord Salisbury yesterday, Lord Hailsham claimed that it was already a long way towards solution.

Lord Hailsham said that they were not asking the House to commit itself in advance to any particular safeguard or framework but were asking it to say that the most hopeful solution of the problem lay in an all-India federation subject to the safeguards laid down in the White Paper.

*Lord Salisbury*, intervening, asked: 'Did Lord Hailsham say that in voting for the White Paper the House would not commit itself to an Indian executive responsible to an Indian legislature?'

*Lord Hailsham* replied that if the House voted for the White Paper it would not commit itself to an Indian executive responsible to an Indian legislature unless that executive and legislature were part of a constitution which contained safeguards which satisfied the House that the matters set forth in the White Paper were adequately protected. Those who voted for the motion would not be committed to accept the scheme unless they were satisfied that the safeguards were adequate and the protection sufficient.

Lord Hailsham said that the principle of responsible government was the goal to which constitutional changes must be directed. The best method of approach to get a practical scheme was not by imposition from without but by co-operation between Indians and British from within. The federation proposal was supported by the Simon Commission and the unanimous report of the Round Table Conference. He believed that an All-India federation, with the ruling princes in it, would be a much safer and a more conservative form of government than they were likely to achieve by any other means. The Government were regarding it as most important that the question of minorities should be settled by agreement between the people of India themselves and not by outside interference. Supposing that an agreement was not reached, were they prepared to do nothing until they had complete agreement? They were not going to impose a final settlement on a reluctant population and they were not going to have the scheme held up by one recalcitrant minority in one province. A provisional agreement would be put into operation until a final agreement was reached.

Lord Hailsham said that to frame a constitution here, and then impose it on India, would make its failure certain, but on the other hand, to allow India to frame any constitution it chose would be to disregard our pledges and responsibilities. The best way was for Britain and India, together acting in collaboration, to make a scheme which gave everybody fair play and simultaneously gave a reasonable measure of responsibility. He hoped and prayed that the House would join the House of Commons and the National Government and try to get a solution of the problem which would be fraught with great blessing to India, England and the Empire.

*Lord Lloyd*, replying earnestly asked the House to vote for extra delay so as to enable them to examine the great problem more fully and come to a ripe and considered decision.

A division followed and Lord Middleton's motion for an adjournment of the debate on the Government's Indian policy was defeated by 106 votes to 58.

The Government's motion approving of the Indian policy was agreed to.

Lord Lloyd did not press his amendment to a division.

# INDIA ABROAD

## Closer Union Of East Africa

### The Joint Committee Report

Far-reaching proposals were recommended to the British Parliament for endorsement by the Joint Parliamentary Committee which went into the question of the Closer Union of East Africa. The report was issued from New Delhi on the 2nd. November 1931 and was as follows :—

"The Committee have to envisage not only the future of some millions of Africans of very diverse racial origin, capacity and development, but to consider the consequences of residence, in their midst, of the non-African elements of the population, both European and Asiatic. It is impossible to isolate East Africa and not to take into account its connection with other parts of Africa, and even with Europe and India. Moreover, the Tanganyika Territory is the largest and most populous Mandated territory and the British Administration of that territory is now subject to an annual review by the League of Nations at Geneva through its permanent Mandates Commission.

"The mixture of races in East Africa not only raises all those problems of race relations upon which so much thought is concentrated in the modern world, but is also coming to be regarded as a test case of Imperial statesmanship in harmonising the separate interests of British subjects or protected persons of different races in the framework of the Empire as a whole. The action of His Majesty's Government in the United Kingdom must inevitably be watched very closely by His Majesty's Government in the Union of South Africa, and the Government of Southern Rhodesia as well as by the Government of India.

"The Committee feel that the setting up for the first time, of a joint committee composed of persons of all parties in the State and of both Houses of Parliament to examine in London the problems of East Africa has afforded a unique opportunity of endeavouring to reach some conclusions which will lead to a continuity of policy in that part of the Empire. Whatever may be the changes of Government at Home, there can be little doubt that the rapid succession of a number of commissions of enquiry and Government White Papers has resulted in a feeling of uncertainty among the various sections of the community in East Africa. Wherever possible, it has been the endeavour of the committee to be as explicit as circumstances permit, with a view to removing this feeling of uncertainty, and it is their hope that, at any rate so far as "closer union" is concerned, any fresh approach to the problem in the future will be made with a clear perception of the results of the present examination.

"The Committee, while they are impressed with the importance of giving the fullest weight to any concrete proposition which they have had before them, are none the less averse to attempting, in any manner, to define the ultimate objectives which cannot be predicted with any degree of certainty in countries where so much is as yet in an experimental stage. They have therefore confined themselves, as far as possible, to a consideration of the existing facts and conditions as presented to them in the evidence and with the probable trend of events that might naturally be expected.

The committee then refer to the arguments against closer union and says : "All these circumstances combined, make it clear to the committee that this is not the time for taking any far-reaching step in the direction of a formal union. In fact, they consider that for a considerable time to come, the progress and development of East Africa as a whole can best be assured by each of the three territories continuing to develop upon its own lines, which they consider to be still experimental. It is of no use ignoring the fact that there is considerable diversity between the central and significant features of each of these territories, and that the evolution, which has taken place in the last thirty years, and is still taking place to-day, is not on identical lines."

The committee next give a plan for economic co-operation in respect of transport, customs, scientific services, posts and telegraphs, commercial law and defence. The report urges the appointment of an advisor on transport.

#### GOVERNOR'S CONFERENCE

The committee recommend that the machinery of a Governors' Conference should be increasingly utilised for the purpose of ensuring continuous and effective co-operation and co-ordination, not only of the particular economic services already referred to, but in regard to all matters of common interest to East Africa. They are of opinion that the Governors of Kenya, Uganda and Tanganyika should meet regularly in conference, not less often than twice a year, and that the conference should be regarded as in permanent session, so that an intermediate meeting could be held at any time if so required by one of the Governors. They are also of the opinion that periodical extraordinary conferences should be held to which the Governors of Northern Rhodesia and Nyasaland and the British Resident at Zanzibar should be invited. The conference should take place in the capitals of the three dependencies in turn, unless special circumstances arise, which would make this difficult in any particular instance, and that whoever His Majesty's representative in the territory, where the conference is being held, should preside over it."

#### PROGRESS OF NATIVES

The committee declare that the Natives have, on the whole, benefited from the settler community, but referring to the relations between the natives and non-natives, the report says: "Nor is it possible to leave out of account the effect of Native development both in limiting the supply of wage labour upon which White development depends, and in creating a formidable competitor to that development. It is considerations of this kind which emphasize the importance of securing that the development of both the races shall be complementary to each other and of the responsibility of His Majesty's Government both in holding the scales even and in endeavouring to foster a similar sense of responsibility in the settler community by enlisting their interest and co-operation in the problems of Native administration. Subject to these considerations and to the general principles laid down in their report, the committee wish to affirm their belief in the value of a White settlement as an important element in the progress of East Africa and their hopes for its future success."

The report referring to the various official declarations on Native policy says: "The committee are of the opinion that the trusteeship of the Natives must remain the function of His Majesty's Government, but that the assistance of the non-native communities in carrying out this obligation should be encouraged to an increasing extent. In setting up a machinery for the detailed administration of the trust, the Government should avail itself, to the full, of the local knowledge and experience of the unofficial elements, for a Government to create an official class, out of from the commercial or settler class and paying no attention to their views, would, in the view of the committee, be to neglect a most valuable adjunct of Government. Further, association in the responsibility of trusteeship is however not necessarily synonymous with increased political control in Native affairs. Even if in the strict sense, therefore, the trusteeship for Native races should be the sole responsibility of His Majesty's Government, in a wider sense the obligation to advance the interests of those races lies on every person of a race more advanced in civilisation. Every settler, every merchant, Indian as well as the white trader, every missionary and every visitor shares the obligation to help the Native races to advance in civilisation.

The committee consider that the matter may be summed up briefly by saying that the doctrine of paramountcy means no more than that the interests of the overwhelming majority of the indigenous population should not be subordinated to those of a minority belonging to another race, however important in itself. The committee would observe in this connection that while any discrimination by means of subsidies or other privileges, customs duties, railway rates or otherwise designed to favour unduly any one community is of necessity open to serious criticism, at the same time it is most important to give adequate security to those Europeans and other non-Natives who have settled in the country, and who have made a permanent home there, often under very difficult and trying conditions."

As regards native political development, it should be on the lines of local tribal councils followed by District and Provincial Councils which may ultimately grow to a Central Native Council. The interests of detribalized natives will also be considered.

The committee deal separately with the Kenya question and say the committee have weighed the broad arguments on the whole question and have considered the various schemes submitted to them without pronouncing categorically between them or prejudging future developments. They feel unable to recommend the adoption, at the present time, of any scheme in preference to the existing system of Government on unitary lines for the colony as a whole. They further recommend that the administration of all Native affairs should be directly under a Chief Native Commissioner who should be an officer of high standing with considerably increased authority. He should be entitled to direct access to the Governor, be a member of the Executive Council, should be charged with the preparation of an annual estimate of the financial requirements of his administration, and should have allocated to it such funds as the Governor thinks necessary and desirable. Together with this, the committee recommend that as large a measure as possible of responsibility and of self-government in their domestic affairs should be granted to Native communities."

#### POSITION OF INDIANS

As regards the Indian question, the report says: Indians have, from its inception, rejected communal franchise, and have demanded a common roll in which their representatives would be prepared to accept qualifications for voting based on an educational and a property standard. They were prepared to agree that these standards should be such as would ensure that the number of Indian electors should not exceed that of Europeans. Further, they were willing that certain seats should be reserved to the Europeans with a smaller number reserved for Indian representatives. It is at least open to doubt whether these conditions, formerly suggested by their representatives, would be accepted by the Indian community in future. In any case, so strongly have the leaders of Indian opinion held their view about the common roll, that they have persuaded the Indian community to decline the representation which the existing constitution gives them: and generally speaking Indian representatives have not been elected to the Legislative Council in the present year. Although the Indian community have elected their five representatives, these are under a pledge to take no part in the Council until the common roll is substituted for the existing electoral system. The views of the Indian community remain inflexibly opposed to those of the Europeans. The committee have carefully considered the arguments for and against the common roll. While not denying that strong arguments have been brought forward on both sides, they feel that it would be impracticable, under the present conditions, to advocate the adoption of the system of common roll representation in preference to the existing system of election. They would however add that if at some future date, changes were made in the situation, the desirability of introducing the common roll should be re-examined without prejudice and the decision of the committees, as recorded above, should not be allowed to militate against the adoption of the common roll, should it later be deemed desirable.

#### INCIDENCE OF TAXATION

The committee have had much contradictory evidence as to the incidence of taxation, and as to the respective shares of that taxation borne by the African, the Indian and the European communities. They are unable to express any clear view as to how in fact taxation is divided between the various races, and they consider that an enquiry into the incidence of taxation under the existing circumstances should be held at an early date. Such an enquiry, clearly, cannot be conducted by themselves. The Committee consider that there is sufficient evidence of its need to justify them in recommending that one should be held by an independent authority and without delay. It should include a careful and detailed examination of the financial situation with respect to

(a) The contribution made to taxation, both direct and indirect, by the different racial communities:

(b) Railway freights and import duties with a view to discovering the extent to which each community benefits or suffers by them ;

(c) The amount of money expended in the interests of each community in particular and

(d) The degree and manner in which financial responsibility should be conferred on the Native Councils.

#### THE LAND QUESTION

In view of the nervousness among the Native population as regards the land question, a full and authoritative enquiry should be undertaken immediately into the needs of the Native population present and prospective, with respect to land within or without the reserves held either on trial or on individual tenure. Pending the conclusion of this enquiry no further alienation of Crown land to non-Natives should take place except in exceptional cases with the sanction of the Secretary of State.

It is not the business of this committee to offer recommendations as regards the details of administration, but they would urge an early and sympathetic consideration by the Kenya Government of native representation in the following matters: (a) The Registration Ordinance, (b) the cultivation by Natives of coffee and other export crops, (c) the hut and poll tax, (d) the problems arising from the use of cattle as currency, (e) the development of the educational, agricultural and veterinary services in the reserves. The committee urge an increase in the administration staff in the native areas.

#### LANGUAGE ISSUE

Finally, dealing with the language question, the committee state: The multiplicity of languages is an obvious source of trouble, and the committee have heard the views of several witnesses on this subject. In Kenya alone there are five distinct language groups each including several languages and numerous dialects. There can be no question that some official *lingua franca* must be adopted, but the use of an official language that is neither the mother-tongue of the administrative officer nor that of the native with whom he has to deal, of necessity rings many minor injustices in its train. Kiswahili has become the commercial *lingua franca* and must be acquired in some degree by all natives who seek employment outside the tribal areas; and for this reason, among others, it is maintained by many competent witnesses that, though as a language, it is weak in its powers of expressing European ideas, it is at the moment the only suitable official language. Other witnesses from Kenya and the native witnesses from Uganda claim that English should be the official language. The obvious difficulty in the way of adopting this latter course, at the present time, is the very small percentage of Africans who are sufficiently educated to speak it with any fluency, and the still smaller number qualified to teach it. Nevertheless, the committee feel the desirability of encouraging a gradual change from Kiswahili to English.

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# INDIA IN THE ROUND TABLE CONFERENCE

## ( SECOND SESSION )

"The first Session of the Indian Round Table Conference was held between 12th November, 1930, and 19th January, 1931. The second Session of the Conference was held between 7th. September and 1st. December, 1931. Thirty-one additional members were appointed to the Conference for its second Session. In accordance with paragraphs 2 and 3 of the agreement reached on the 5th. March, 1931, between His Excellency the Viceroy and Mr. Gandhi, the Indian National Congress was represented, Mr. Gandhi attending as the sole representative.

The second Session did not open with a meeting of the full Conference. The Federal Structure Committee was reassembled on the 7th. September and the Minorities Committee on the 28th. September, followed by a Plenary Session beginning on the 28th. November, 1931. The other Committees of the Conference were not reassembled. The personnel of the Federal Structure Committee and the Minorities Committee was somewhat enlarged.

The Lord Chancellor placed before the Federal Structure Committee the following Heads for further consideration in continuation of their deliberations at the first Session :—

(1) Strength and composition of the Federal Legislature, including the proportions in each Chamber to be assigned to the States and to British India respectively.

(2) Direct and indirect methods of election.

(3) Relations between the two Chambers.

(4) Distribution of financial resources between the Federation and its Units.

(5) The Ministry, and its relations with the Legislature.

(6) Distribution of legislative powers between the Federal and Provincial Legislatures ; effect in the States of legislation relating to Federal Subjects.

(7) Administrative relations between the Federal Government, the States and the Provinces.

(8) The Federal Court.

On Heads (1) to (4) and (8) the Committee presented a Report, which is their third Report. Owing to the failure of the Minorities Committee to reach any solutions of the problems under their consideration (see paragraph below), it was not found possible to have more than a partial discussion on heads (5) to (7) and the Committee presented no report in respect of these matters.

The Committee further considered the subjects of Defence (in its constitutional aspects), External Relations, Financial Safeguards and Commercial Discrimination, and presented its fourth Report dealing with these questions. As explained in the first paragraph of the fourth Report, the Committee, in discussing these subjects, did not have the advantage of hearing the views of an important section of its membership.

The Minorities Committee were unable to reach any agreed conclusions on the subjects under their consideration and reported to that effect in their second Report.

A Plenary Session of the Conference was held from 28th November to 1st December, 1931, to receive the third and fourth Reports of the Federal Structure Committee, the second Report of the Minorities Committee, and to discuss the whole field of the work of the Conference. The Session was concluded with a declaration by the Prime Minister explaining the Government's policy ( see poste).



**INDIA IN THE  
ROUND TABLE CONFERENCE**

**July—December 1931**

# THE INDIAN ROUND TABLE CONFERENCE

( SECOND SESSION )

## LIST OF DELEGATES.

### BRITISH REPRESENTATIVES

- THE RIGHT HON. J. RAMSAY MACDONALD, M. P. (*Chairman of the Conference*).  
THE RIGHT HON. WEDGWOOD BENN, D.S.O., D.F.C., M.P.  
1 MAJOR W. E. ELLIOT, M.C., M.P.  
MR. ISAAC FOOT, M.P.  
1 MR. H. GRAHAM-WHITE, M.P.  
1, 2 THE RIGHT HON. VISCOUNT HAILSHAM.  
SIR ROBERT HAMILTON, M.P.  
2 THE RIGHT HON. ARTHUR HENDERSON, M.P.  
THE RIGHT HON. SIR SAMUEL HOARE, BART., G.B.E., C.M.G., M.P.  
THE RIGHT HON. SIR WILLIAM JOWITT, K.C., M.P.  
THE RIGHT HON. H. B. LEES-SMITH, M.P.  
THE MOST HON. THE MARQUESS OF LOTHIAN, C.H.  
THE RIGHT HON. EARL PEEL, G. B. E.  
1 MR. F. W. PETHICK-LAWRENCE, M.P.  
THE MOST HON. THE MARQUESS OF READING, G. C. B., G.C.S.I., G.C.I.E., G.C.V.O.  
THE RIGHT HON. LORD SANKEY, G.B.E.  
1 THE LORD SNELL.  
MAJOR THE HON. OLIVER STANLEY, M.C., M.P.  
2 THE RIGHT HON. J. H. THOMAS, M.P.  
THE MOST HON. THE MARQUESS OF ZETLAND, G.C.S.I., G.C.I.E.

### INDIAN STATES' REPRESENTATIVES

- 2 COLONEL HIS HIGHNESS THE MAHARAJA OF ALWAR, G.C.S.I., G.C.I.E.  
HIS HIGHNESS THE MAHARAJA GAERWAR OF BARODA, G.C.S.I., G.C.I.E.  
LIEUTENANT, COLONEL HIS HIGHNESS THE NAWAB OF BHOPAL, G.C.I.E., C.S.I., C.V.O.  
LIEUTENANT-GENERAL HIS HIGHNESS THE MAHARAJA OF BIKANER, G.C.S.I., G.C.I.E., G.C.V.O., G.B.E., K.C.B., A.D.C.  
1 HIS HIGHNESS THE MAHARAJA OF CUTCH, G.C.S.I., G.C.I.E.  
LIEUTENANT-COLONEL HIS HIGHNESS THE MAHARAJA RANA OF DHOLPUR, G.C.I.E., K.C.S.I., K.C.V.O.  
1 HIS HIGHNESS THE MAHARAJA OF INDORE.  
2 COLONEL HIS HIGHNESS THE MAHARAJA OF JAMMU AND KASHMIR, G.C.I.E., K.C.V.O.  
1 COLONEL HIS HIGHNESS THE MAHARAJA OF KAPURTHALA, G.C.S.I., G.C.I.E., G.B.E.  
HIS HIGHNESS THE MAHARAJA OF REWA, G. C. I. E., K. C. S. I.  
HIS HIGHNESS THE CHIEF SAHIB OF SANGLI, K. C. I. E.  
1 THE RAJA OF KOREA.  
1 THE RAJA OF SARILA.  
1 DIWAN BAHADUR T. RAGHAVIAH, C. S. I.

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1 Additional Delegate appointed for Second Session.

2 Did not attend the Second Session.

# INDIAN ROUND TABLE CONFERENCE INDIAN STATES' REPRESENTATIVES (*contd.*).

- 6 LIEUTENANT-COLONEL HIS HIGHNESS THE MAHARAJA OF NAWANAGAR.  
G. C. S. I., G. B. E.
- 7 MAJOR-GENERAL HIS HIGHNESS THE MAHARAJA OF PATIALA, G.C.S.I., G.C.I.E.,  
G.C.V.O., G.B.E., A.D.C.  
SIR PRABHASHANKAR PATTANI, K. C. I. E.
- 8 SIR MANUBHAI NANDSHANKAR MEHTA, C. S. I.  
SARDAR SAHIBZADA SULTAN AHMED KHAN, C. I. E.  
NAWAB SIR MUHAMMAD AKBAR HYDARI.
- 3 SIR MIRZA M. ISMAIL, C. I. E., O. B. E.
- 4 COLONEL K. N. HAKSAR, C. I. E.
- 5 1 NAWAB LIAQAT HAYAT KHAN.

## BRITISH-INDIAN REPRESENTATIVES.

- HIS HIGHNESS THE AGA KHAN, G. C. S. I., G. C. I. E., G. C. V. O.
  - 7 SIR C. P. RAMASWAMI Aiyar, K. C. I. E.
  - 1 SIR SAIED ALI IMAM, K. C. S. I.
  - 1 MAULANA SHAUKAT ALI.  
DR. BHIMRAO RAMJI AMBEDKAR.  
SRIJIT CHANDRADHAR BAROAH.  
MR. J. N. BASU
  - 1 MR. E. C. BENTHALL.
  - SIR SHAH NAWAZ KHAN GHULAM MURTAZA KHAN BHUTTO, C. I. E., O. B. E.\*
  - 1 MR. G. D. BIRLA.
  - 1, 2 THE RAJA OF BOBBILL.
  - SIR HUBERT CARR.
  - 2 MR. C. Y. CHINTAMANI.  
CAPTAIN NAWAB SIR MUHAMMAD AHMAD SAID KHAN OF CHHITARI.  
K.C.I.E., M.B.E.
  - 1 SIR MANECKJEE DADABHOY, K.C.I.E.
  - 1 MAULVI MUHAMMAD SHAFI DAOODI.
  - MAHARAJADHIRAJA KANESHWAR SINGH OF DARRHANGA.
  - 1 DR. S. K. DATTA.
  - CAPTAIN RAJA SHER MUHAMMAD KHAN OF DOMELL.
  - MR. FAZI-UL-HUQ.
  - 1 MR. M. K. GANDHI.
  - MR. A. H. GHUZZANI.
  - LIEUT.-COL. SIR HENRY GIDNEY, I.M.S. (retired).
  - 1 SIR PADAMJI GINWALA.
  - 1 MR. V. V. GIRI.
  - SIR GHULAM HUSSAIN Hidayatullah.
  - KHAN BAHADUR HAFIZ Hidayat Hussain.
  - 1 SIR MUHAMMAD IQBAL.
  - 1 MR. A. RANGASWAMI IYENGAR.
  - MR. BHASKARRAO VITHOJIRAO JADHAV.
- 1 Additional Delegate appointed for Second Session.
  - 2 Did not attend the Second Session.
  - 3 Also represents Jaipur and Jodhpur States.
  - 4 Represented H. H. the Maharaja of Jammu and Kashmir at the Second Session.
  - 5 Substitute Delegate for His Highness the Maharaja of Patiala.
  - 6 Did not attend the Second Session, but was represented by Mr. L. F. Rushbrook Williams.
  - 7 Did not attend the Second Session, but was represented by Nawab Liaqat Hayat Khan.
  - 8 Also represented H. H. the Maharaja of Bikaner after latter's departure.

BRITISH-INDIAN REPRESENTATIVES (*contd.*)

- 1 MR. JAMAL MUHAMMAD.  
MR. M. R. JAYAKAR.  
SIR COWASJI JEHangIR, K.C.I.E., O.B.E.  
MR. M. A. JINNAH.  
MR. T. F. GAVIN JONES.  
MR. N. M. JOSHI.  
DR. NARENDRA NATH LAW.  
1 PANDIT MADAN MOHAN MALAVIYA.  
1 NAWAB SAHIBZADA SIR SAYED MUHAMMAD MEHR SHAH.  
SIR PROVASH CHUNDER MITTER, C.I.E.  
2 MR. H. P. MODY.  
DR. B. S. MOONJE.  
DIWAN BAHADUR A. RAMASWAMI MUDALIYAR.  
1 MRS. SAROJINI NAIDU.  
DIWAN BAHADUR RAJA NARENDRA NATH.  
1 SAYED MUHAMMAD PADSHAH SAHEB BAHADUR.  
RAO BAHADUR A. T. PANNIR SELVAM.  
2 RAJA OF PARLAKIMEDI.  
RAO BAHADUR SIR ANNEPU PARASURAMADAS PATRO.  
NAWAB SIR SAHIBZADA ABDUL QAIYUM KHAN, K.C.I.E.  
DIWAN BAHADUR M. RAMACHANDRA RAO.  
MR. B. SHIVA RAO.  
SIR SAYED SULTAN AHMED.  
SIR TEJ BAHADUR SAPRU, K.C.S.I.  
SIR MUHAMMAD SHAFI, K.C.S.I., C.I.E.  
SARDAR SAMPURAN SINGH.  
THE RIGHT HON. V. S. SRINIVASA SASTRI, C. H.  
SIR CHIMANLAL SETALVAD, K.C.I.E.  
2 RAI BAHADUR KUNWAR BISHESHWAR DAYAL SETH.  
SIR PHIROZE SETHNA, O.B.E.  
DR. SHAFI'AT AHMAD KHAN.  
BEGUM SHAH NAWAZ.  
M. R. RV. RAO BAHADUR SRINIVASAN.  
MRS. SUBBARAYAN.  
MR. SHRIPAD BALWANI TAMBE.  
1 SIR PURSHOTAMDAS THAKURDAS, C.I.E.  
SARDAR SAHIB SARDAR UJJAL SINGH.  
SIR C. E. WOOD.  
MR. ZAFRULLAH KHAN.

In addition, U Aung Thin, U Ba Pe, Sir O. de Glanville and Mr. M. M. Ohn Ghine, who represented Burma on the First Session of the Conference, remained formally members of the conference but did not attend owing to the formation of a separate Burma Round Table Conference.

## INDIAN STATES DELEGATION STAFF.

*Adviser to His Highness the Maharaja Gæwkar of Baroda :*

- 3 RAO BAHADUR KRISHNAMA CHARI, C.I.E.

*Advisers to the Delegate for Hyderabad :*

- LIEUT.-COL. SIR RICHARD CHENEVIX-TRENCH, C.I.E., O.B.E.

NAWAB MAHDI YAR JUNG.

*Adviser to His Highness the Maharaja of Indore :*

- 4 RAI BAHADUR S. M. BAPNA.

*Adviser for Jaipur State.*

RAI BAHADUR PANDIT AMAR NATH ATAL

- 1 Additional Delegate appointed for Second Session.
- 2 Did not attend the Second Session.
- 3 Acted as substitute delegate in absence of H. H. the Maharaja Gæwkar of Baroda.
- 4 Acted as substitute delegate in absence of H. H. the Maharaja of Indore.

## INDIAN ROUND TABLE CONFERENCE

### INDIAN STATES DELEGATION STAFF (*contd.*).

*Adviser for Jodhpur State :*

MR. J. W. YOUNG, O. B. E.

*Adviser for Kashmir State :*

PANDIT RAMCHANDRA KAK.

*Adviser for Rampur State :*

SAHIBZADA ABDUS SAMAD KHAN, C. I. E.

*Adviser for the Orissa States :*

MR. K. C. NEOGY.

*Advisers nominated by the Chamber of Princes Special Organisation :*

<sup>1</sup> MR. L. F. RUSHBROOK WILLIAMS, C. B. E.

<sup>2</sup> SIRDAR JARMANI DASS, O. B. E.

*Secretariat :*

MR. M. S. A. HYDARI, I. C. S.

MR. K. M. PANIKKAR.

MR. N. MADHAVA RAO.

### BRITISH DELEGATION STAFF.

MR. H. G. HAIG, C. S. I., C. I. E., I. C. S.

*Secretaries :*

MR. V. DAWSON, C. I. E.

MR. K. S. FITZE, I. C. S.

MR. J. G. LAITHWAITE ( personally attached to the Prime Minister ).

MR. W. H. LEWIS, C. I. E., I. C. S.

MR. P. J. PATRICK.

PROF. J. COATMAN, C. I. E. ( Secretary to the Liberal Delegation ).

MR. G. T. GARRATT ( Secretary to the Opposition Labour Delegation ).

MR. R. J. STOPFORD ( Secretary to the Conservative Delegation ).

### BRITISH INDIAN DELEGATION STAFF.

*Secretaries :*

SIR GEOFFREY CORBETT, K. B. E., C. I. E., I. C. S.

MR. A. LATIFI, O. B. E., I. C. S.

MR. G. S. BAJPAI, C. I. E., C. B. E., I. C. S.

MR. B. RAMA RAU, C. I. E., I. C. S.

*Additional ( Staff Honorary ) :*

SAYED AMJAD ALI.

THE ALY KHAN.

MR. A. M. CHAUDHURY.

MR. MAHADEO DESAI.

PANDIT GOVIND MALAVIYA.

PANDIT R. K. MALAVIYA.

PROFESSOR K. T. SHAH.

MR. P. SINHA.

### SECRETARIAT-GENERAL.

*Secretary-General :*

MR. R. H. A. CARTER, C. B.

*Secretaries :*

MR. K. ANDERSON.

MR. C. D. DESHMUKH, I. C. S.

MR. J. M. SLADEN, I. C. S.

*Publicity Officers :*

MR. HUGH MACGREGOR.

MR. G. F. STEWARD, C. B. E.

MR. A. H. JOYCE.

*Additional ( Honorary ) :*

SAYED AMJAD ALI.

MR. RAM BABU SAKSENA, U. P. C. S.

<sup>1</sup> Acted as substitute delegate in absence of H. H. the Maharaja of Nawanagar.

<sup>2</sup> Acted as substitute delegate in absence of H. H. the Maharaja of Kapurthala.

# The Federal Structure Sub-Committee

## ( THIRD DRAFT REPORT )

### LORD SANKEY'S PROPOSALS

The following is the text of Lord Sankey's third draft report presented to the Federal Structure Sub-Committee :—

The Committee's task at the second session of the Conference was to continue their discussions at the point at which they were left by their report of 13th January 1931, and by the Prime Minister's Declaration of 19th January, and to endeavour, so far as possible, to fill in the outlines of the Federal Constitution for Greater India which was sketched in those documents.

2. In approaching this task the Committee have been assisted by colleagues who did not share in their earlier deliberations. In this connexion it will be remembered that in virtue of an agreement recorded in March last the Indian National Congress decided to participate in their labours.

3. Since January last there has been much public discussion of the constitutional proposals which emerged from the last session of the conference. The Committee resumed their deliberations with the knowledge of this public discussion, and with the conviction that it is in a Federation of Provinces and States that the solution of the problem of India's constitutional future is to be found.

4. A further examination of the problem has confirmed them in the belief that by no other line of development can the ideal in view be fully realised. For this purpose it is essential that the "India" of the future should include along with British India that "Indian India" which, if Burma is excluded, embraces nearly half of the area and nearly one-fourth of the population of the country--- an area and population, moreover, which are not self-contained and apart geographically or racially, but are part and parcel of the country's fabric and its constitution must be drawn on lines which provide a satisfactory solution for the problem of the existence side by side of future self-governing provinces and of States with widely varying politics and different degrees of internal sovereignty whose fortunes are, and must continue to be, closely interwoven.

5. The Committee rejoice to think that the Princes, while rightly determined to maintain their internal sovereignty are prepared and indeed anxious, to share with the British Indian Provinces in directing the common affairs of India.

6. It will be easy for the constitutional purist, citing Federal systems in widely different countries, to point out alleged anomalies in the plans which the Committee have to propose to this great end : but the Committee, as they stated in their first report, are not dismayed by this reflexion. Their proposals are the outcome of an anxious attempt to understand, to give full weight to and to reconcile, different interests.

7. The Committee have taken into account (a) the widespread desire in India for constitutional advance ; (b) the natural desire of the Indian States to conserve their integrity (c) the indisputable claims of minorities to fair treatment ; (d) the obligations and responsibilities of His Majesty's Government ; (e) the necessity, paramount at all times but above all at a transitional period like the present, when the economic foundations of the modern world seem weakened, of ensuring the financial credit and the stability of Government itself.

8. Without a spirit of compromise such diverging interests cannot be reconciled but compromise inevitably produces solutions which to some, if not to all, of the parties may involve the sacrifice of principle.

9. It follows that in many cases many members of the Committee would have preferred some solution other than that which appears as their joint recommendation. But recognising that the basic aim of this Conference is, by the pooling of ideas and by the willingness to forego individual desires for the common good to attain the greatest measure of agreement ; above all recognising that the time has come for definite conclusions, the Committee are prepared to endorse the conclusions set out in this Report.

10. The Committee expressed the view in their previous Reports that the legislative organ of the Indian Federation should consist of two Chambers, which will be empowered to deal with the whole range of the activities of the Federation, both those which affect British India only, and those which affect all federal territory. In the course of their discussions preferences were expressed in some quarters for a unicameral legislature, on consideration alike of simplicity, efficiency and economy while some members urged that, having regard to the nature of the matters to be dealt with by the Federation a single small federal chamber, which would adequately reflect the views of the Governments of the constituent units would be the right solution of the problem.

11. At a later stage again the Committee was placed in possession of proposals which they have not been able fully to discuss, but which clearly demand further consideration though the Committee fully realise that the adoption of either of these plans would involve material modification of the framework hitherto contemplated.

12. One of these plans would substitute for the Upper Chamber a small body consisting of nominated delegates, of the Government of the federating units, which would have the right of initiating legislation and would be empowered to exercise a suspensory veto over the measures passed by the elected Chamber. This body would also have the right to express its opinion upon all measures of the Federal Government before they were laid before the elected Chamber. The authors of the plan also contemplate the possession by this body of certain advisory functions in the administrative sphere.

13. The second of these plans contemplates the confederation of the States into a single collective body for the purpose of federating with the British Indian provinces. Its supporters would prefer a single Federal Chamber in which the representation of the Indian States collectively should be 50 per cent, the representatives being selected by an electoral college consisting of the federated States as a whole. In the event of a decision in favour of a bicameral legislature, 30 per cent of the seats in the Upper Chamber would be reserved for the States, their representation in the Lower Chamber being on population basis.

14. Upon the assumption, however, that the Legislature is to be bicameral, a variety of factors must be taken into account of determining the size of the chambers. Cogent theoretical arguments can be adduced (and were in fact advanced by some delegates) in support of the view that for a country of the size and population of India, a legislature consisting of from 600 to 700 members of the Lower Chamber and 400 to 500 for Upper, could not be regarded as excessive in size, and that smaller numbers would fail to give adequate representation to the many interests which might reasonably claim a place in it. On the other hand arguments no less forcible were adduced in favour of the view that chambers exceeding 100 and 250 respectively might prove ineffective organs of business. We have given these divergent views the best consideration of which we are capable, and recommend as the result that the Chambers should consist, as near as may be, of 200 and 300 members respectively, in which the allotment of seats to the States should be in the proportion of 40 per cent (or approximately 80 seats) in the Upper Chamber, and 33 one-third per cent (or approximately 100 seats) in the Lower.

15. This latter recommendation is, of course, based on the assumption that the whole body of the States will eventually adhere to the Federation. The view was strongly expressed that in the case of seats allotted to them as the result of the procedure contemplated in paragraph 26 should remain unfilled pending their adherence. But it was also urged that this might lead to a situation under which States adhering at the outset would find their total voting strength in the legislature so small as to be inconsistent with their position as representing one of the main constituent elements in the Federation. Thus in the event of the original adherents not forming a substantial proportion, that is to say at least one half, of "Indian India" it will probably be desirable to devise some method of weightage by which their voting strength would be temporarily augmented pending the accession of other States.

16. In any event difficulty might arise in regard to States which are grouped for purposes of deputing a representative, but it would be premature to attempt to suggest the best solution for such problems until the measure of adherence by "grouped" States can be fairly accurately ascertained or foreseen. The Committee accordingly content themselves with expressing the hope that the measure of adher-

ence in each group will be sufficiently great to justify the filling of the seat allotted thereto by the nominations of the adhering States. Should the system of grouping be such as to admit of the allotment of two or more seats to one group, difficulties of this order would be more easy of solution.

#### SELECTION OF REPRESENTATIVES

17. The Committee recommend that the 200 members of the Upper House should be chosen in the main to represent the component units to the provinces of British India and the States and that the representatives of the British Indian provinces should be elected by the provincial legislatures by the single transferable vote. Candidature for the Federal Legislature should not, of course, be restricted to members of a provincial legislature, though such persons should be eligible if otherwise qualified.

18. In the case of those States which secure individual representation, their representatives will be nominated by the Governments of the States. In the case of those States, however (and there will necessarily be many such), to which separate individual representation cannot be accorded, the privilege of nomination will have to be shared in some manner which it will be easier to determine when the various groups have been constituted—a process which will, of course, entail a detailed survey of local and regional circumstances.

19. For the Lower Chamber the Committee consider that the selection of the British Indian representatives should be by election otherwise than through the agency either of the provincial legislature or of any existing local self-government bodies. Most members consider that election should be by territorial constituencies consisting of qualified voters who will cast their votes directly for the candidate of their choice. Others have advocated some method whereby some of the obvious difficulties which must confront a candidate in canvassing and maintaining contact with so large an area as the average constituency will involve, may be obviated.

#### FRAMING OF CONSTITUENCIES

20. The actual framing of the constituencies must necessarily depend largely upon the detailed arrangements to be made for the revision of the existing franchise—a task which is to be undertaken by a Special Franchise Committee. The Committee therefore recommend that this body should be charged also with the duty of making proposals for the constituencies to return the British Indian members of the Lower Chamber of the Federal Legislature, and that it should explore fully the alternatives of direct and indirect election indicated in the preceding paragraph in the light of the practical conditions which will be presented by the size of constituencies, their populations and the proportion of this population to be enfranchised. The area and population of British India excluding Burma being in round figures 800,000 square miles and 255 millions respectively, and the seats in the Lower Chamber available for representatives of that area on the Committee's proposals being approximately 200, it follows that the average area of a constituency would be approximately 4,000 square miles, and the average population per seat some 1 millions. And while in many cases the former of these figures would obviously be reduced by the natural grouping of the population in urban areas, the difficulties presented by electoral areas and populations of this size would, of course, be accentuated by the existence of separate communal electorates. It may well be that while no difficulty will be experienced in providing for direct election in urban areas some method of indirect election as recommended by the Franchise sub-Committee of the Conference may prove desirable for rural areas.

21. As regards the apportionment of British Indian seats in both Chambers to the Provinces *inter se* the Committee recognise that the population ratio which they were disposed to recommend in their previous Report as the guiding principle, would not produce a satisfactory result unless it were tempered by other considerations. To take only one instance, it would immediately reduce the Bombay Presidency, a province of great historical and commercial importance, which has for many years enjoyed approximately equal representation in the Central Legislature with the other two Presidencies and the United Provinces to less than half the representation these latter will secure.

22. For the Upper Chamber which will represent in the main the units as such the Committee think that the guiding principle should be a reasonable approximation to equality of representation for each unit. Absolute equality, having regard to the great variation in size and population between the Provinces, would obviously be



inequitable. The problem is a difficult and complicated one involving the careful assessment of local factors which is beyond the competence of this Committee. But the suggestion has been made that a possible solution might, for example, be to assign to each of the Provinces which exceed 20 millions in population, namely Bengal, Madras, Bombay, the United Provinces, the Punjab and Bihar and Orissa an equal number of seats say 17, to the Central Provinces (if it included Berar) and Assam say 7 and 5 seats respectively : to the North-West Frontier Province, 2 seats ; and to Delhi, Ajmer, Coorg and British Baluchistan, 1 seat each.

23. In the Lower Chamber, representing as it will primarily the population of the federated area, we consider that the distribution should tally as closely as possible with the population ratio, but that some adjustment will be required in recognition of the commercial importance of the Bombay Presidency and of the general importance in the body politic of the Punjab, which it will be generally conceded is not strictly commensurate with its population as compared with that of other Provinces. We suggest that this adjustment might be secured in the case of Bombay to some extent at all events by adequate weightage of the special representation which we have recommended for Indian and European commerce and, in the case of the Punjab, by some arbitrary addition to the 18 seats which it would secure on the basis of its population. Here again the Committee are not in a position to make a definite recommendation, but they take note of a suggestion which has been made for the allotment to the Punjab and Bombay, and also to Bihar and Orissa of 26 seats each ; to Madras, Bengal and United Provinces of 32 seats each ; to the Central Provinces, of 13 ; to Assam of 7 ; to the North-West Frontier Province of 3 ; and to the four minor provinces of 1 each, by this measure securing a distribution of the 200 seats which might be held to satisfy reasonable claims without doing undue violence to the population basis.

#### APPORTIONMENT OF SEATS BETWEEN STATES

24. The Committee recognise that this is primarily a matter for settlement among the Princes themselves, but the representatives of other interests can hardly regard it as a matter of indifference since, until a satisfactory solution is found, the idea of federation necessarily remains inchoate and an important factor in determining the decision of individual States as to adherence to the Federation will be lacking. In view of the admitted difficulties of the question the Committee are fully aware that the effective establishment of federation postulates the adherence of the major States and that the absence of even a few of the most important States, however many of the smallest might be included, would place the Federation under grave disadvantages. At the same time they think that it is essential that the States as a whole secure representation which will commend itself to public opinion as generally reasonable and that it is hardly less important to satisfy so far as may prove possible the claims of the small States than to provide adequate representation for those which cover large areas.

25. Two suggestions have been advanced in the course of the Committee's discussions for the solution of this problem—the first that the matter should be entrusted to the Chamber of Princes, with such arrangements as would secure an adequate voice in its deliberations to the small States, and that, if the Chamber failed to secure agreement, the Viceroy should be asked to settle the matter ; the second, based on the belief that the inherent difficulties of the problem would prove such that the Princes—acting through whatever agency—would be unable to evolve a plan which would meet with general acceptance and satisfy all claims and consequently that a procedure based upon the first suggestion would merely involve infructuous delay was that the task of appointment should be remitted to an impartial committee or tribunal on which the States themselves should not be given any representation, but before which they would be all invited to urge their claims.

26. The Committee are not in a position, for reasons already stated, to make any definite recommendation as to the acceptance of either of these suggestions, but they consider that the best course would be to allow a period of time, which should not, they think, extend beyond the end of March, 1932, within which the Princes should be invited to arrive at a settlement on the understanding that, if within that period a settlement were not in fact secured, an impartial tribunal would be set up by His Majesty's Government to advise as to the determination of the matter.

## METHOD OF SELECTING STATES' REPRESENTATIVES

27. While the Committee remain of opinion that this question must be left to the decision of the States, it cannot be contended that it is one of no concern to the Federation as a whole. They note the assurance of certain individual members of the States' Delegation that in those States which possess representative institutions and for which those members were in a position to speak, arrangements will be made which will give these bodies a voice in the Ruler's selection. The Committee as a whole are prepared to leave this matter to the judgment of the States.

28. In paragraph 34 of their second report the Committee recommended that special provision should be made in the Federal Legislature for the representation of the Depressed classes, Indian Christians, Landlords, Commerce and Labour. We make no recommendation here relating to the first four of these interests since the decision on this point is one for the Minorities Sub-Committee.

29. But we affirm our previous recommendation that provision should be made for the special representation of the landlord interest, of Commerce (European and Indian) and of Labour. The number of these four interests and their apportionment amongst the various provinces are questions which should be considered by the Franchise Committee as also is the question of their method should be election rather than nomination.

## NOMINATED MEMBERS

30. In paragraph 34 of the Committee's second Report the suggestion was also made that the Governor-General should be empowered to nominate to each chamber a specified number of persons not exceeding perhaps ten to represent the Crown. After further consideration the Committee see no advantage to be gained from pursuing this suggestion. The persons appointed by the Governor-General to assist him in the administration of the Reserved portfolios will, of course, play their part in the business of the legislature, but it is not apparent how their task would be facilitated by the presence of a small body of nominated members who, if they were non-officials, would rarely possess any special or effective knowledge of questions connected with the administration of the reserved departments, and whose votes would be too few to influence decisions.

31. If, on the other hand, these members were officials chosen for their knowledge of the subjects in the Governor-General's charge the same difficulty would be experienced as under the present regime of sparing from their departmental duties for attendance in the legislature so considerable a number of officials as the suggestion contemplates: moreover the voting power which such officials would exercise would either be negligible or also would tend to maintain an "official bloc" which, in the opinion of the majority of the Committee, would be out of place in the conditions of the new constitution.

32. On the other hand, while the Committee for the reasons given are not prepared to advocate the nomination of members in either Chamber to represent the Crown or Crown interests, they are impressed with the desirability of securing to the Federation the services in the Upper Chamber of men of the elder statesmen type with an experience of public affairs, both in the political sphere and outside it. It may well be that men of this type whom India would delight to honour may be unwilling through the absence of provincial influences or connections to solicit the suffrages of provincial legislatures, or to promote their candidatures by identifying themselves with particular political parties; and the small chances of success at the polls, when party feeling run high, likely to be attained by men possessing in the English phrase the cross-bench mind need not be emphasised. Yet it would be a grave loss to India if such men were excluded from her counsels. The Committee are therefore of opinion that a small proportion of seats should be reserved in the Upper Chamber only, for persons to be appointed by the Governor-General. The Governor-General would, in making these appointments, act as a general rule upon the advice of his Ministers, though we are disposed to think that, possibly by a constitutional convention, possibly by provision in the Constitution Act, two or three of the appointments might be made on the Governor-General's personal responsibility. In order to avoid any suggestion, however, of an official bloc, the Committee are of opinion that no serving official should be qualified to sit in the Upper Chamber as a nominated member,

## QUALIFICATIONS AND DISQUALIFICATIONS FOR MEMBERSHIP

33. For the Lower Chamber in British India the qualification for membership should be identical with that for a voter, that is to say, any person who is qualified as an elector for a constituency of a particular class should be qualified also to stand for election by any constituency of that class in the province.

34. But for candidates for the Senate certain additional qualifications should be laid down. Without attempting to prescribe these in details—a task which would better be undertaken by the Franchise Committee—we consider that the existing rules regulating the qualifications of voters (and consequently of candidates for the Council of State should be adopted as a model for candidates for the Upper Chamber, except that the minimum age limit should be 35 years.

35. It will be necessary also to prescribe the qualifications of voters in the special constituencies we have recommended to secure the representation in the Upper Chamber of Landlords, Commerce (European and Indian) and Labour; and subject to the age limit just suggested—a person qualified as a voter in any of the special constituencies should be qualified also as a candidate. Whether in the case of all or any of these special constituencies, the present qualifications for voters for the Council of State could be adopted as they stand, appears doubtful; but this we would leave for the consideration of the Franchise Committee.

36. The existing disqualifications for membership for the Indian Legislature appear to us generally suitable for retention, though there was some difference of opinion as to those arising out of convictions for criminal offences, and suggestions were made—which we regard as impracticable—that a distinction should be drawn for this purpose between "political" and other offences, or between offences involving moral turpitude and those which do not. On the whole, we regard a restriction of this nature on the free choice of the elector as of little value as a means of ensuring probity of character in candidates, and we recommend that they should be abandoned. At the same time we consider that the rules should be so framed as to disqualify from candidature any person who at the time of an election is actually undergoing a sentence of detention and who would consequently be unable, if returned to fulfil his duties to the legislature and to his constituents.

37. Although it will clearly be impossible to secure uniformity of qualification in British India and the States, we think it of great importance that there should be absolute uniformity in the matter of disqualifications. These should therefore be embodied in the Constitution and should apply to all candidates alike.

## OATH OF ALLEGIANCE

38. The Committee consider that, following common practice in the Empire, the Indian constitution should provide for an oath of allegiance to be taken by members of the Federal Legislature on assumption of their seats. They do not suggest a definite formula at this stage, but its terms will require careful consideration.

## RELATIONS BETWEEN TWO CHAMBERS

39. As will appear from paragraphs 26 and 35 of the Committee's Second Report this important question was discussed for the first time in the Committee's present session. The careful consideration we have now given to the matter has led us to the view that nothing should be done to the new Constitution which would have the effect of placing either Chamber of the Federal Legislature in a position of legal sub-ordination to the other. It would be a misconception of the aims which we have in view to regard either Chamber as a drag or impediment on the activities of the other; in our view the two Chambers will be complementary to each other, each representing somewhat different, but, we hope, not antagonistic, aspects of the Federation as a whole. Absolute equality between the two Chambers of a bicameral legislature is no doubt unattainable, and, if it were attainable, might well result in perpetual deadlock; and there is no less doubt that the provisions of the constitution notwithstanding, the evolution of political development will inevitably result in the course of time to placing the centre of gravity in one Chamber.

## EQUAL POWERS FOR BOTH HOUSES

40. But so far as the letter of the Constitution is concerned we consider that there would be no justification for endowing one Chamber at the outset with powers which are denied to the other. We accordingly recommended that while the Constitution should provide that, subject to the special provisions to be referred to later

no Bill should become law until it is assented to by both Chambers, it should contain no provisions which would disable either Chamber from initiating, amending or rejecting any Bill, whatever its character. The principle of equality also appears to us to demand that the Government should be entitled to test the opinion of the other Chamber if one Chamber has seen fit to reject a Government Bill and that in the event of its passage by the second Chamber it should be treated as a Bill initiated in that Chamber and taken again to the first.

#### JOINT SESSIONS

41. In the event of rejection by one Chamber of a bill which has been passed by the other, or of its acceptance by either in a form which the other will not agree, we recommended that subject to certain conditions which should be set out in the Constitution, the Governor-General should have power, either after the lapse of a specified period or, in cases of urgency, at once, to secure the adjustment of the difference of opinion by summoning a Joint Session.

42. We see no reason why the principle of equality of powers should not extend also to the voting of supply. The supply required by the Federal Government will be required for the common purpose of the Federation (or for the common purposes of British India) and there is, in our view, no logical reason which could be adduced in favour of depriving the representatives of the Federal units in the Senate of a voice in the appropriation of the revenues, the responsibility of raising which they will share equally with the members of the lower chamber.

43. We propose therefore that the annual estimates of the revenue and expenditure of the Federal Government (which, as we propose elsewhere, should be contained in a single Budget statement covering both Federal and Central Revenue and expenditure) should be laid simultaneously before both Chambers and that the Government's Demands for Grants should be debated and voted upon by each Chamber, the debate in the second Chamber taking place upon the Demands as amended by the first. In the event of a difference in view between the two Chambers as to the amount to be granted under any Demand, we recommend that the difference should be resolved by an immediate Joint Session of both Chambers, the decisive vote being that of a simple majority. The Demands would of course be so arranged as to separate expenditure required for Federal purposes from that required for Central purposes, so that the latter might stand referred to a Standing Committee of the British Indian members of both Chambers.

44. The Committee did not find time during the first session of the Conference to consider the subject of "Federal Finances" which may be summarily described as the question of the apportionment of financial resources and obligations between the Federation and the Units. On taking up this subject the Committee found it desirable to remit it for examination by a Sub-Committee over which Lord Peel presided.

45. The Report of this Sub-Committee was in effect unanimous. Little criticism was directed to its main features and the Committee accept the principles contained in it as a suitable basis on which to draft this part of the Constitution.

46. The Committee were, however, not satisfied with the proposals in Lord Peel's Report for a review of the problem by Expert Committees. Fear was widely expressed that these might, by recommending principles at variance with those upon which the Conference was agreed, tend to undo work already accomplished, and further, that the procedure suggested might cause unnecessary and perhaps dangerous delay in settling various points which had an important bearing on the character of the new Federation. The Committee accordingly consider that the suggested procedure should be revised in the manner described below.

47. No change need be made as regards the second of the two committees (concerned with paragraphs 17-20 of Lord Peel's Report) except that it should have no connection with the other Committees. It should be noted that, of the matters within the purview of this "States" Committee, it is only in respect of those dealt with in paragraph 18 of Lord Peel's Report that it is essential to reach a settlement before the Act setting up the Federation comes into operation.

48. In place of the first Committee recommended in Lord Peel's Report there should, as early as possible, be appointed in India a "fact-finding" Committee consisting of officials familiar with questions of finances including States' finance. Without elaborating the terms of reference the functions of this Committee may be sketched as follows :—

(a) To investigate the division of pension charges (Paragraph 5 of Lord Peel's Report).

(b) To investigate classification of pre-Federation debt as contemplated at the end of paragraph 6 of Lord Peel's Report.

(c) To calculate the effect on the Provinces of various possible methods (of which there are only a few to be considered) of allocating the proceeds of income-tax to the Provinces.

(d) To give an estimate of the probable financial position of the Federation in its early years under the scheme proposed in Lord Peel's Report indicating, *inter alia*, the probable results of federalising corporation tax, commercial stamps, tobacco excise or other possible national excises.

Of these (d) is the most important.

It was pointed out that (b) had no reference to the investigation of any claim such as had been raised by the Congress, that liability for a portion of the public debt of India ought to be undertaken by the United Kingdom.

49. The facts and estimates required from the Committee described in the preceding paragraph should not take long to produce. There will remain to be decided, in the light of them, certain questions as, for example.

(i) The exact detailed form of the list of Federal taxes (within the general framework laid down by Lord Peel's Report): in particular a final decision will have to be taken about Corporation tax and specific Federal excises.

(ii) The initial amount of the contributions from the Provinces and the precise period within which these and the States' contributions are to be wiped out.

(iii) The exact method according to which income-tax is to be returned to the Provinces.

50. There will also be one or two other points left doubtful by Lord Peel's committee which will fall for decision. It will be necessary to devise a procedure for discussion and settlement of the outstanding matters.

51. It may be that in other fields points of substance directly affecting Federation will also remain for settlement after this session of the Conference. It might thus prove convenient to use a common machinery for their disposal. It is accordingly agreed that this question of procedure should be postponed to a later stage.

#### ORIGINAL AND APPELLATE JURISDICTION

52. The necessity for the establishment of a Federal Court was common ground among all members of the Committee, and such differences of opinion as manifested themselves were concerned for the most part with matters of detail rather than of principle. It was recognised by all that a Federal Court was required both to interpret the Constitution and to safeguard it, to prevent encroachment by one federal organ upon the sphere of another, and to guarantee the integrity of the compact between the various federating units out of which the Federation itself has sprung.

53. The first question which the Committee considered was the nature of the Court's Jurisdiction, and it was generally agreed that this jurisdiction must be both original and appellate.

54. The Court ought, in the opinion of the Committee, to have an exclusive original jurisdiction in the case of disputes arising between the Federation and a State or a Province, or between two States, two Provinces, or a State and a Province. The Committee are of opinion that disputes between units of the Federation could not appropriately be brought before the High Court of any one of them, and that a jurisdiction of this kind ought rather to be entrusted to a tribunal which is an organ of the Federation as a whole. It would seem to follow that the Court should have seisin of justiciable disputes of every kind between the Federation and a Province or between two Provinces and not only disputes of a strictly constitutional nature, but that in the case of disputes between the Federal Government and a State, between a State and a Province, or between two States the dispute must necessarily be one arising in the federal spheres since otherwise the jurisdiction would extend beyond the limits of the treaties of session which the States will have made with the Crown before entering the Federation. The Committee are disposed to think that decisions by the Court given in the exercise of

this original jurisdiction should ordinarily be appealable to a Full Bench of the Court.

55. In the case of disputes arising between a private person and the Federation or one of the federal units the Committee see no reason why those should not come in the first instance before the appropriate Provincial or State Court, with an ultimate right of appeal to the Federal Court, since it would obviously be oppressive to compel a private citizen who had a grievance however small against (say) his Provincial Government, to resort exclusively to Delhi, or wherever the seat of the Federal Court may be, for the purpose of obtaining justice. In this case also, however, whatever right of suit against a State in its own courts is accorded to a citizen of that State, must even in a dispute arising in the Federal sphere, be regulated by the laws of that State, though the citizen who is given a right of suit by the State law could not be deprived of his right of access in the Federal Court by way of appeal whatever form that appeal may take. In this connection the Committee drew attention to the need of investing both Provinces and States with a juristic personality for the purpose of enabling them to become parties to litigation in their own right. The Committee understand that at the present time no action lies against a Province of British India as such, and that no action can be brought against an Indian Prince in a British Indian Court save under very special conditions. On the other hand, the Committee are informed that in some of the States provision has already been made whereby proceedings can be taken against the State in its corporate capacity as distinguished from the ruler of the State himself. This subject will require to be further examined.

56. The Federal Court ought, also, in the opinion of the Committee to have an exclusive appellate jurisdiction from every High Court, and from the final Court in every State, in all matters in which question of the interpretation of the Constitution (using that expression in its broadest sense) is involved. A certain difference of opinion on questions of method has, however, to be recorded. The suggestion was made that some plan might be devised whereby anyone desiring to challenge the constitutional validity of a law passed by the Federal or a Provincial Legislature could obtain a legal decision on the matter at an early date after the passing of the Act, and that this might be done by means of a declaratory suit to which some public officer would for obvious reasons be a necessary party. The advantages of some such procedure are manifest, and the subject deserves further examination. Assuming however that legal proceedings of this kind are found possible the Committee think it right that they should be confined to the Federal Court alone, at any rate where the validity of a Federal law is in issue, though there was a difference of opinion upon the question whether in the case of a Provincial or State law the proceedings might not be permitted in the first instance in the appropriate High Court or State Court. Where however a constitutional issue emerges in the course of any ordinary litigation the tribunal which may have seisin of the case should have jurisdiction to decide it, subject always to an ultimate right of appeal from the State Court (if the case gets so far) to the Federal Court.

57. The form which the appeal should take might be left to be dealt with by Rules of Court but whatever form or forms are adopted, the Committee are clearly of opinion that there must be an ultimate appeal as of right to the Federal Court on any constitutional issue. Their attention was drawn to a very convenient procedure at present existing in British India whereby, when a question of title is raised in a Revenue Court, a case can be stated on that point only for the opinion of the Civil Court, proceedings in the Revenue Court being suspended until the decision of the Civil Court is given; and they think that the possibility of adopting a procedure of this kind might well be expelled. They understand in particular that a procedure on these lines would be the procedure most acceptable to the States. The Committee are however impressed with the need for discouraging excessive litigation, and recommend therefore that the appeal should lie to the Federal Court, unless the constitutional point in issue has been clearly raised in the Court below,

#### ADVISORY JURISDICTION FOR FEDERAL PURPOSES.

58. The suggestion that the Federal Court should for federal purposes be invested with some kind of advisory jurisdiction such as that conferred on the Privy Council by Section 4 of the Judicial Committee Act, 1833, met with general approval and the Committee adopt the suggestion subject to certain conditions. In the first place they are clear that the right to refer matters in the Court for an advisory

opinion must be vested exclusively in the Governor-General, acting no doubt in the normal case on his Ministers' advice; and secondly, they think that no question relating to a state ought to be referred without the consent of that State.

#### APPEALS TO PRIVY COUNCIL.

59. The Committee are of opinion that an appeal should not lie from the Federal Court to the Privy Council, except by leave of the Court itself, though the right of any person to petition the Crown for special leave to appeal, and the right of the Crown to grant such leave would, of course, be preserved. There would therefore be no right of appeal to the Privy Council direct from a High Court in any case where an appeal lay in the Federal Court. The Committee desire to emphasise here, in order to prevent any misunderstanding that any right of appeal from the State Courts to the Federal Court and thence to the Privy Council in constitutional matters will be founded upon the consent of the Princes themselves, as expressed in the treaties of cession into which they will enter with the Crown as a condition precedent to their entry into the Federation. There can be no question of any assumption by Parliament or by the Crown of a right to subject the States to an appellate jurisdiction otherwise than with their full consent and approval.

63. It will be necessary to provide that Federal, State and Provincial authorities shall accept judgments of the Court as binding upon themselves when they are parties to a dispute before it, and will also enforce the judgments of the Court within their respective territories. It will also be necessary to provide that every Provincial and State Court shall recognise as binding upon it all judgments of the Federal Court.

61. The Committee think that the Court should be created and its composition and jurisdiction defined, by the Constitution Act itself. They are of opinion that it should consist of a Chief Justice and a fixed maximum number of puisne Judges who would be appointed by the Crown, would hold office during good behaviour, would retire at the age of 65, and would be removable before that age only on an address passed by both Houses of the Legislature, and moved with the fiat of the Federal Advocate-General. The question of the salaries and pensions of the Judges is a delicate one. The Committee are clear that the salaries at whatever figure they may be fixed, should be non-votable and incapable of reduction during a Judge's term of office, and it would be a convenience if the salaries could be fixed by the Constitution Act, or in accordance with some machinery provided by that Act. The Committee have no desire to suggest any extravagant figure, but they are bound to face facts, and they realise that in the absence of adequate salaries it is in the highest degree unlikely that the Federation will ever secure the services of the Judges of the standing and quality required. They suggest that the matter might be referred to a small committee for investigation and report at a reasonably early date. With regard to the qualifications of the Federal Court Judges, the Committee suggest that any barrister or advocate of 15 years standing and any person who has been a Judge of a High Court or State Court for not less than three years should be eligible for appointment.

#### SEAT OF THE COURT.

62. The seat of the Court should be at Delhi, the power should be given to the Chief Justice, with the consent of the Governor-General, to appoint other places for the sittings of the Court as occasion may require. The Court must also have power to make Rules of the Court regulating its procedure. These Rules should after approval by the Governor-General have statutory force. The power to regulate the procedure of the Court should include a power to make rules enabling the Court to sit in more than one division, if necessary. The appointment of the staff of the Court should be vested in the Chief Justice, acting on the advice of the Public Service Commission, but the number and salaries of the staff must of course be subject to the prior approval of the Governor-General.

#### SUPREME COURT FOR BRITISH INDIA.

63. A strong opinion was expressed in the Committee that the time had come for the creation of a Supreme Court for British India in which an appeal could lie from all Provincial High Courts in substitution for a direct appeal to the Privy Council. Appeals from the Court will lie with the Privy Council only with the leave of the Court or by special leave. The creation of such a Court is in the natural course of evolution and the Committee adopt the suggestion in principle.

A difference of opinion, however, manifested itself on the method whereby such a Court should be brought into existence. There was a strong body of opinion amongst the British Indian Delegates to the effect that the Federal Court should be invested with this further jurisdiction, the proposal being that the Court should sit in two divisions, one dealing with Federal matters and the other with appeals on all other matters from the Provincial High Court. Other members of the Committee, and generally speaking the States' representatives dissented from this view, and were of the opinion that there should be a separate Supreme Court for British India on the ground that the Federal Court would be an All-India Court, while the Supreme Court's jurisdiction would be confined to British India; the mass of work with which it would have to cope would obscure its true functions as a Federal Court, and to that extent detract from its position and dignity as a Federal organ. It is no doubt the case that many more appeals would be taken to a Supreme Court situate in India than are at present taken to the Privy Council, and the Committee appreciate the force of this objection. But there would be no difficulty in reducing the appeals to a reasonable number by imposing more stringent restrictions upon the right of appeal. The Committee would deprecate the imposition on the finances of India of the cost of two separate Courts if this can possibly be avoided, and cannot disregard the possibility of conflicts between them. There is lastly at no time in any country a superfluity of the highest judicial talent, and the truer policy appears to them to be to concentrate rather than to dissipate judicial strength.

64. A question of very real difficulty remains to be considered, viz., whether the Constitution Act itself should establish a Supreme Court now or whether power should be given to the Federal Legislature to establish it either as a separate institution or by conferring general appellate jurisdiction on the Federal Court as and when it may think proper so to do. The Committee are impressed with the need for proceeding cautiously in this matter but it was urged on them that the opportunity should not be lost of settling once and for all the general outline of a Supreme Court Scheme. The establishment of a Supreme Court and the definition of appellate jurisdiction are, they think, essentially matters for the Constitution Act, and it appears for them that in the circumstances it may be advisable to take a middle course. They recommend therefore that the Constitution Act should prescribe the jurisdiction and functions of the Supreme Court and the Federal Legislature should be given the power to adopt these provisions of the Constitution Act in the future, if it should think fit to do so. The Committee recommend this method on several grounds. In the first place, the establishment of the Court would in any event require a large increase in the judiciary and in their view it should be left to the Federal Legislature of the future to decide whether the additional expense should be incurred or not. Secondly, the whole subject is one which requires much expert examination and it may be desirable that experience should first be gained in the Working of the Federal Court in its more restricted jurisdiction. Thirdly, the functions of the Federal Court will be of such great importance especially in the early days of the Federation, that in the opinion of the Committee it would be unwise to run the risk of either overburdening it prematurely with work, or of weakening its position by setting up in another sphere a Court which might be regarded as a rival.

65. A proposal to invest the Supreme Court above described with jurisdiction to act as a Court of criminal appeal for the whole of British India also found a certain measure of support. It is clear that even if a right of appeal to this Court in the graver criminal cases were given, the work of the Court and therefore the number of Judges would be enormously increased. The Committee had not the time at their disposal to enter into a close examination of the question whether in principle a Court of Criminal Appeal for the whole of British India is desirable, and they do not feel themselves able to express an opinion upon the matter, though they recognise its great importance. For the same reason they have found themselves unable to recommend the immediate establishment by the Constitution itself of a Supreme Court for appeals in civil matters from the High Courts of British India, they are unable to recommend the immediate establishment of a Court of Criminal Appeal. This matter is one which in their opinion must be left to the future Federal Legislature to consider and if that Legislature should be of opinion that such a Court is required there will be no difficulty, if it should be thought desirable, in investing the Federal Court, or the separate Supreme Court, as the case may be, with the necessary additional jurisdiction. But the Committee



cannot refrain from a word of warning. It appears to them probable that a Court invested with the various jurisdiction which were suggested in the course of the Committee's discussions would have to consist of probably as many as twenty or thirty Judges, and in all likelihood of many more. To create an entirely new Bench of this size would strain the judicial resources of any country and it can scarcely be expected that the result would be satisfactory. The Committee are therefore strongly of opinion that one step only should be taken at a time and experience should be gradually accumulated. They were anxious that the Court should have as great a prestige and dignity as it is possible to give it; but they were apprehensive of the grave risks which in their opinion would be run if it were set a task at the outset of its arrear which through no fault of its own might prove to be beyond its capacity.

#### PROVINCIAL HIGH COURTS.

66. The subject of the Provincial High Courts in British India was also touched upon in the course of the Committee's discussions, and they think it right to record their views on one or two points of importance concerned with this subject. In the first place the Committee are of opinion that High Court Judges should continue to be appointed by the Crown. Secondly, they think that the existing law which requires certain proportions of each High Court Bench to be barristers or members of the Indian Civil Service should cease to have effect, though they would maintain the existing qualifications for appointment to the Bench; and they recommend that the office of Chief Justice should be thrown upon to any Puisne Judge or any person qualified to be appointed a Puisne Judge. The practice of appointing temporary Additional Judges ought, in the opinion of the Committee, to be discontinued.

## The Prime Minister's Statements

LONDON—1st. DECEMBER 1931

The following is the full text of the Prime Minister's statement at the Round Table Conference on the 1st. December 1931 :—

'We have now had two sessions of the Round Table Conference and the time has come to survey the important work which has been done, first of all, in the setting out of the problems which in the task of Indian constitution-building we have to surmount and, then, in trying to find how to surmount them. The reports presented to us now bring our co-operation to the end of another stage and we must pause and study what has been done and the obstacles which we have encountered and the best ways and means of bringing our work to a successful end as rapidly as possible. I regard our discussions and our personal contacts here as of the highest value and make bold to say that they have raised the problem of Indian constitutional reform far above the mere technicalities of constitution-making, for we have won that confidence in, and respect for, each other which has made the task one of helpful political cooperation. That I am confident will continue to the end. By cooperation alone can we succeed.

'At the beginning of the year I made a declaration of the policy of the then Government and I am authorized by the present one to give you and India a specific assurance that it remains their policy. I shall repeat the salient sentences of that declaration: "The view of his Majesty's Government is that responsibility for the Government of India should be placed upon the legislatures, central and provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances and also with such guarantees as are required by the minorities to protect their political liberties and rights. In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of

his Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own government."

"With regard to central Government, I made it plain that, subject to defined conditions, his Majesty's late Government were prepared to recognise the principle of the responsibility of the executive to the legislature if both were constituted on an all-India federal basis. The principle of responsibility was to be subject to the qualification that in the existing circumstances the defence and the external affairs must be reserved to the Governor-General and that in regard to finance such conditions must apply as would ensure the fulfilment of the obligations incurred under the authority of the Secretary of State and the maintenance unimpaired of the financial stability and credit of India.

"Finally, it was our view that the Governor-General must be granted the necessary powers to enable him to fulfil his responsibility for securing the observance of the constitutional rights of the minorities and for ultimately maintaining the tranquillity of the State.

"These were in broad outline the features of the new constitution for India as contemplated by his Majesty's Government at the end of the last Conference.

"As I say, my colleagues in his Majesty's present Government fully accept that statement of January last as representing their own policy. In particular they desire to reaffirm their belief in an All-India federation as offering the only hopeful solution of India's constitutional problem. They intend to pursue this plan unswervingly and to do their utmost to surmount the difficulties which now stand in the way of its realization. In order to give this declaration the fullest authority, the statement which I am now making to you will be circulated to-day as a White Paper to both the Houses of Parliament and the Government will ask Parliament to approve it this week.

"The discussions which have been proceeding during the past two months have to solve and have advanced us towards the solution of some of them. But they have, also, made it plain that others still require further examination and co-operative consideration. There is still difference of opinion, for instance, as to the composition and powers of the federal legislature; and I regret that owing to the absence of the settlement of the key question of how to safeguard the minorities under a responsible central government, the Conference has been unable to discuss effectively the nature of the federal executive and its relationship with the legislature. Again it has not yet been possible for the States to settle amongst themselves their place in the federation and their mutual relationship within it. Our common purpose will not be advanced by ignoring these facts, nor by assuming that the difficulties they present will somehow solve themselves. We further thought that discussion and reconciliation of the different interests and points of view are still required, before we can translate the broad general aims into the detailed machinery of a workable constitution. I am not saying this to indicate the impossibility, nor to foreshadow any pause in our work. I only wish to remind you that we have put our hands to a task which demands alike from his Majesty's Government and from the leaders of Indian opinion care, courage and time, lest when the work is done it may bring confusion and disappointment and instead of opening the way to political progress may effectively bar it. We must build like good craftsmen, well and truly. Our duty to India demands that from all of us.

"What then is the general position in which we find ourselves as regards a practical programme for the advancement of our common aims? I want no more general declarations, which carry us no further in our work. The declarations already made and repeated to-day are enough to give confidence in the purpose of the Government and to provide work for the committees, which I shall refer. I want to keep to business.

"The great idea of All-India federation still holds the field. The principle of a responsible federal government, subject to certain reservations and safeguards through a transition period, remains unchanged. And we are all agreed that the Governor's provinces of the future are to be responsibly governed units, enjoying the greatest possible measure of freedom from outside interference and dictation in carrying out their own policies in their own sphere.

"I should explain at once in connection with that last point, that we contemplate as one feature of the new order that the North-West Frontier Province should be constituted a Governor's province of the same status as other Governor's provinces,

but with due regard to the necessary requirements of the frontier and that, as in all other Governor's provinces, the powers entrusted to the Governor to safeguard the safety and tranquillity of the province shall be real and effective.

His Majesty's Government also accept, in principle, the proposition which was endorsed at the last Conference that Sind should be constituted a separate province if satisfactory means of financing it can be found. We, therefore, intend to ask the Government of India to arrange for a conference with representatives of Sind for the purpose of trying to overcome the difficulties disclosed by the report of the expert financial investigation which has just been completed.

But I have digressed from the question of a programme in the light of the accepted factors—federation as the aim and self-governing provinces and the Indian States as its basis. As I have said our discussions have made it clear to all of us that federation cannot be achieved in a month or two. There is a mass of difficult constructive work still to be done and there are important agreements to be sought by which the structure must be shaped and cemented. It is equally plain that the framing of a scheme of responsible Government for the provinces would be a simpler task which could be more speedily accomplished. The adjustments and modifications of the powers now exercised by the central Government which would obviously have to be made in order to give real self-government to the provinces should raise no insuperable difficulties. It has, therefore, been pressed upon the Government that the surest and speediest route to federation would be to get these measures in train forthwith and not to delay the assumption of full responsibility by the provinces a day longer than is necessary. But it is clear that a partial advance does not commend itself to you. You have indicated your desire that no change should be made in the constitution which is not effected by one all embracing statute covering the whole field, and his Majesty's Government have no intention of urging a responsibility which for whatever reasons is considered at the moment premature or ill-advised. It may be that opinion and circumstances will change, and it is not necessary here and now to take any irrevocable decision. We intend and have always intended to press on with all possible despatch with the federal plan. It would clearly be indefensible however, to allow the present decision to stand in the way of the earliest possible constitutional advance in the North-West Frontier Province. We intend, therefore, to take the necessary steps, as soon as may be, to apply to the North-West Frontier until the new constitutions are established the provisions of the present Act relating to the Governor's provinces.

We must all, however, realise that there stands in the way of progress whether for the provinces or the centre that formidable obstacle, the communal deadlock. I have never concealed from you my conviction that this is, above all others, a problem for you to settle by agreement amongst yourselves. The first of the privileges and the burdens of a self-governing people is to agree how the democratic principle of representation is to be applied or, in other words, who are to be represented and how it is to be done. This conference has twice essayed this task. Twice it has failed. I cannot believe that you will demand that we shall accept these failures as final and conclusive.

But time passes. We shall soon find that our endeavours to proceed with our plans are held up (indeed, they have been held up already) if you cannot present us with a settlement acceptable to all parties as the foundations upon which to build.

In that event his Majesty's Government would be compelled to apply a provisional scheme, for they are determined that even this disability shall not be permitted to be a bar to progress. This would mean that his Majesty's Government would have to settle for you not only your problems of representation but also to decide as wisely and justly as possible what checks and balances the constitution is to contain to protect the minorities from an unrestricted and tyrannical use of the democratic principle expressing itself solely through the majority power.

I desire to warn you that if the Government have to supply even temporarily this part of your constitution which you are unable to supply for yourselves and, though it will be our care to provide to most ample safeguards for the minorities so that none of them need feel that they have been neglected, it will not be a satisfactory way of dealing with this problem. Let me also warn you that if you cannot come to an agreement on this among yourselves it will add considerably to the difficulties of any Government here which shares our views of an Indian constitution and it will detract from the place which that constitution will occupy

amongst those of other nations. I, therefore, beg of you once more to take further opportunities to meet together and present us with an agreement.

'We intend to go ahead. We have now brought our business down to specific problems which require close and intimate consideration, first of all, by bodies which are really committees and not unwieldy conferences and we must now set up a machinery to do this kind of work. As that is being done and conclusions presented, we must be able to continue consultations with you.

'I propose, therefore, with your consent, to nominate in due course a small representative committee, a working committee of this conference, which will remain in being in India, with which through the Viceroy we can keep in effective touch.

'I cannot here and now specify precisely how this committee can best be employed. This is a matter which must be worked out and must to some extent depend on the reports of the committees we propose to set up. But in the end we shall have to meet again for a final review of the whole scheme.

'The plan in a word is this. I would like you to carry it in your mind that these two sessions have provided now a mass of details. You have sketched out in a general way the kind of the constitution. Then you have said, "This wing of it, that wing of it, that aspect of it has not yet been drawn in detail by any architect" and we now have to consider the stresses and the strains that will be put upon the fabric. The best way is to protect it, to safeguard it and to carry it. With that material in front of us, we appoint this committee, that committee and the other committee to study the matter and to produce proposals for us for dealing with them. That is what you would call the detailed work. That must be pursued and you know perfectly well, my friends, that a conference as large as this or a committee as large as some of those committees that have been meeting under the chairmanship of the Lord Chancellor, cannot do that work. There are too many long speeches. (Laughter.) There are too many written speeches. There is not enough intimate, practical and pointed exchange of view sharp across a table without ten minutes' speeches—two seconds' observation met by another two seconds' observation. Only in that way are you going to work it out. But whilst this is being done we have to keep in contact with what I would call a large representative political body—a body of this nature, a body which this typifies. That is the plan, the conception of his Majesty's Government, of quick, effective, scientific and certain work in the building up of the great constitution of India to which reference has been made.

It is our intention to set up at once the committees, whose appointments the conference has recommended (a) to investigate and advise on the revision of franchise and constituencies, (b) to put to the test of detailed budgetary facts and figures the recommendations of the Federal Finance Sub-Committee and (c) to explore more fully the specific financial problems arising in connection with certain individual states. We intend that those committees shall be at work in India under the chairmanship of distinguished public men from this country as early in the new year as possible. The views expressed by you here on the other outstanding federal problems will be taken into consideration at once and the necessary steps taken to get better understanding and agreement upon them.

'His Majesty's Government have also taken note of the suggestion made in the committee's third report with the object of facilitating an early decision on the distribution among the states of whatever quota may be agreed upon for their representation in the legislature. It follows from what I have already said that they share the general desire for an early agreement on this among the states, and his Majesty's Government intend to afford the princes all possible assistance by way of advice in this matter. If it appears to the Government that there is likely to be undue delay in their reaching an agreement amongst themselves, the Government will take such steps as seem helpful to obtain a working settlement.

'I have already alluded to another matter to which you have given ample evidence that you attach great importance and to which you will expect me to refer. A decision of the communal problem which provides only for representation of the minorities in the legislatures is not enough to secure what I may call "natural rights". When such provisions have been made the minorities will still remain minorities. The constitution must therefore, contain provisions which will give all the creeds and classes a due sense of security that the principle of majority government is not to be employed to their moral or material

disadvantage in the body politic. The Government cannot undertake here and now to specify in detail what those provisions should be. Their form will need the most anxious and careful consideration, with a view to ensuring, on the one hand, that they are reasonably adequate for their purpose and, on the other, that they do not encroach to an extent which amounts to stultification upon the principles of representative responsible government. In this matter the committees of consultation should play an important part for here also just as in regard to the method and proportion of electoral representation, it is vital to the success of the new constitution that it should be framed on a basis of mutual agreement.

'Now once again we must bid each other good-bye. For a time we shall meet individually and we shall meet, I hope, on the committees carrying on this work to which we have set our hands. Not "we" in the sense of his Majesty's Government but "we" in the sense of you and us together.' Great strides have been made—greater, I am sure, you will find than the most optimistic thought. I was glad to hear in the course of these debates speaker after speaker taking that view. It is the true view. These conferences have not been failures in any sense of the term. These conferences had to meet, these conferences had to come up against obstacles, these conferences had to be the means by which diversity of opinion had to be expressed. These conferences enabled us not only to mobilise the goodwill of India and England but also enabled us to mobilise the great problems, the historical problems of India. These problems have enabled us all, you and we together to come down and face the hard reality and to gather from mutual conference the spirit and the determination to overcome difficulties.

'We have met with obstacles but one of those optimists to whom humanity owes most of its progress said that "obstacles were made to be overcome." In that buoyancy of spirit and the goodwill which comes from it let us go on with our task. My fairly wide experience of conferences like this is that the road to agreements is very broken and littered with obstructions to begin with and the first stages often fill one with despair, but quite suddenly and generally unexpectedly the way smoothens itself out and the end is happily reached. I not only pray that such may be our experience but I assure you that the Government will strive unceasingly to secure such a successful termination to our mutual labours.

After the Premier's speech *Mahatma Gandhi*, proposing a vote of thanks to the Chair, said that he did so with the greatest pleasure. It would not be expected of any of them, and least of all of him, to comment on the weighty pronouncement of the Chairman. He had a double duty: one to conduct the Conference and the other to convey the decisions of his Majesty's Government. It was more pleasant to *Mahatma Gandhi* to refer to the first duty. He congratulated the Chairman on the lessons he had given them in time sense. He would try to pass that lesson on to his countrymen. The Prime Minister had shown amazing industry and worked to exhaustion old men like Pandit Malaviya, Mr. Sastri and himself. "Therefore, I have the greatest pleasure in moving a vote of thanks. But there is an additional reason and it is, perhaps, the greater reason why I should shoulder this responsibility and the esteem and privilege that have been given to me. It is somewhat likely—I would say only somewhat likely, because I would like to study your declaration once, twice, thrice and as often as it be necessary, scanning every word thereof and reading its hidden meaning, if there is a hidden meaning in it, crossing all t's and dotting all i's and if I then come to the conclusion, as just now seems likely, that as far as I am concerned we have come to the parting of the ways and that our ways take different directions—it does not matter to us. Even so you are entitled to my hearty and sincerest vote of thanks.

'It is not given to us always to expect meticulous regard for each other's opinions and always be accomodating so that there is no principle left. On the contrary the dignity of human nature requires that we must face the storms of life. Sometimes even blood brothers have to go each his own way, but if at the end of their differences, they can say that they bore no malice and that even so they acted as becomes a gentleman, a soldier, if it be possible at the end of the chapter for me to say that of myself and my countrymen, and if it is possible for me to say that of you, Mr. Prime Minister, and of your countrymen. I will say that we parted also well. I do not know in what directions my path will lie but it does not matter to me. Even then, although I may have to go in an exactly opposite direction, you are still entitled to a vote of thanks, a vote of thanks from the bottom of my heart.' (Loud applause).

# **TEXT OF THE ORDINANCES**

**July—December 1931**

# ORDINANCE NO. 1 OF 1931

[ 31st January, 1931 ]

## An Ordinance to supplement the ordinary criminal law in Burma

Whereas an emergency has arisen which makes it necessary to supplement the ordinary criminal law of Burma :

Now therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor-General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Burma Criminal Law Amendment Ordinance, 1931.

(2) It extends to the whole of Burma.

2. In this Ordinance, unless there is anything repugnant in the subject or context, "the Code" means the Code of Criminal Procedure, 1898.

3. (1) The Local Government may, by order in writing, direct that any person accused of any offence specified in the First Schedule shall be tried by Commissioners appointed under the Ordinance.

(2) No order under sub-section (1) shall be made in respect of, or be deemed to include, any person who has been committed under the Code for trial before a High Court, but save as aforesaid an order under that sub-section may be made in respect of, or may include, any person accused of any offence specified in the First Schedule whether such offence was committed before or after the commencement of this Ordinance.

4. (1) Commissioners for the trial of persons under this Ordinance shall be appointed by the Local Government.

(2) Such Commissioners may be appointed for the whole of Burma or for any part thereof, or for the trial of any particular accused person or persons.

(3) All trials under this Ordinance shall be held by three Commissioners, of whom at least two shall be persons who at the time of appointment under this section are serving as, and have for at least three years served as or exercised the powers of, Sessions Judges or Additional Sessions Judges, or are persons qualified under sub-section (3) of section 101 of the Government of India Act, for appointment to as Judges of a High Court.

5. (1) Commissioners appointed under this Ordinance may take cognisance of offences without the accused being committed to them for trial, and in trying accused persons, shall record evidence in the manner prescribed in section 356 of the Code and shall, in other respects also, subject to this Ordinance and to any rules made thereunder, follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates.

(2) In the event of any difference of opinion among the Commissioners, the opinion of the majority shall prevail.

6. (1) The Commissioners may pass upon any person convicted by them any sentence authorised by law for the punishment of the offence of which such person is convicted.

(2) If in any trial under this Ordinance it is found that the accused person has committed any offence specified in the First Schedule, the Commissioners may convict such person of such offence and pass any sentence authorised by law for the punishment thereof.

7. The provisions of the Code, so far only as they are not inconsistent with the provisions of, or the special procedure prescribed by or under, this Ordinance shall apply to the proceedings of Commissioners appointed under this Ordinance, and such Commissioners shall have all the powers conferred by the Code on a Court of Sessions exercising original jurisdiction.

8. (1) Commissioners trying an offence under this Ordinance may, with a view to obtaining the evidence of any person supposed to have been directly concerned

in, or privy to, the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relative to the offence and to every other person concerned whether as principal or abettor in the commission thereof.

(2) Where, in the case of any offence for the trial of which by Commissioners an order has been made under sub-section (1) of section 3, a pardon has, before the passing of such order, been tendered to and accepted by any person under section 337 of the Code, the provisions of sub-sections (2) and (3) of that section of the Code shall apply as if the accused person had been committed for trial to the Commissioners.

(3) For the purposes of sections 339 and 339A of the Code pardons tendered under sub-section (1) and sub-section (2) shall be deemed respectively to have been tendered under sections 338 and 337 of the Code.

9. Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Ordinance if such person is dead or cannot be found or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance, or incapacity has been caused in the interests of the accused.

10. The Local Government may, by notification in the Burma Gazette, make rules consistent with this Ordinance to provide for all or any of the following matters, namely:—

(i) the times and places at which Commissioners appointed under this Ordinance may sit;

(ii) the procedure of such Commissioners, including the appointment and powers of their President, and the procedure to be adopted in the event of any Commissioner being prevented from attending throughout the trial of any accused person;

(iii) the conduct of and the procedure at trials, the manner in which prosecutions before such Commissioners shall be conducted and the appointment and powers of persons conducting such prosecutions;

(iv) the execution of sentences passed by such Commissioners;

(v) the temporary custody or release on bail of persons referred to or included in any order made under sub-section (1) of section 3, and the transmission of records to the Commissioners; and

(vi) any matter which appears to the Local Government to be necessary for carrying into effect the provisions of this Ordinance relating or ancillary to trials before Commissioners.

11. (1) Any person convicted on a trial held by Commissioners under this Ordinance may appeal to the High Court of Judicature at Rangoon, and such appeal shall be disposed of by the High Court in the manner provided in Chapter XXXI of the Code.

(2) When the Commissioners pass a sentence of death, the record of the proceedings before them shall be submitted to the High Court and the sentence shall not be executed unless it is confirmed by the High Court which shall exercise, in respect of such proceedings, all the powers conferred on the High Court by Chapter XXVII of the Code.

12. (1) Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person—

(i) has acted, is acting or is about to act in contravention of the provisions of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908: or

(ii) has committed, is committing or is about to commit any offence specified in the Second Schedule; or

(iii) has acted, is acting or is about to act with a view to interfere by violence or by threat of violence with the administration of justice;

the Local Government, if it is satisfied that such person is a member, or is being controlled or instigated by a member, of any association of which the objects or methods include the doing of any of such acts or the commission of any such offences, may, by order in writing, give all or any of the following directions, namely, that such person—

(a) shall notify his residence and any change of residence to such authority as may be specified in the order;

(b) shall report himself to the police in such manner and at such periods as may be so specified;



(c) shall conduct himself in such manner or abstain from such acts as may be so specified ;

(d) shall reside or remain in any area so specified ;

(e) shall not enter, reside in, or remain in any area so specified ;

(f) shall be committed to custody in jail ;

and may at any time add to, amend, vary or rescind any order made under this section.

(2) The Local Government in its order under sub-section (1) may direct—

(a) the arrest without warrant of the person in respect of whom the order is made at any place where he may be found by any police officer or by any officer of Government to whom the order may be directed or endorsed by or under the general or special authority of the Local Government ;

(b) the search of any place specified in the order which in the opinion of the Local Government has been, is being, or is about to be used by such person, for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1).

13. An order made under sub-section (1) section 12 shall be served on the person in respect of whom it is made in the manner provided in the Code for service of a summons, and upon such service such person shall be deemed to have had due notice thereof.

14. (1) Any officer of Government authorised in this behalf by general or special order of the Local Government may arrest without warrant any person against whom a reasonable suspicion exists that he is a person in respect of whom an order might lawfully be made under sub-section (1) of section 12.

(2) Any officer exercising the power conferred by sub-section (1) may, at the time of making the arrest, search any place and seize any property which is, or is reasonably suspected of being used by such person for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1) of section 12.

(3) Any officer making an arrest under sub-section (1) shall forthwith report the fact to the Local Government, and may, by order in writing, commit any person so arrested to custody pending receipt of the orders of the Local Government ; and the Local Government may by general or special order specify the custody to which such person shall be committed ;

Provided that no person shall be detained in custody under this section for a period exceeding fifteen days save under a special order of the Local Government, and no person shall in any case be detained in custody under this section for a period exceeding one month.

15. (1) The Local Government and every officer of Government to whom any copy of any order under section 12 has been directed or endorsed by or under the general or special authority of the Local Government may use any and every means necessary to enforce compliance with such order.

(2) Any officer exercising any of the powers conferred by section 14 may use any and every means necessary to the full exercise of such powers.

16. Whoever, being a person in respect of whom an order has been made under sub-section (1) of section 12, knowingly disobeys any direction in such order, shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine.

17. (1) Every person in respect of whom an order has been made under sub-section (1) of section 12 shall, if so directed by any officer authorised in this behalf by general or special order of the Local Government, —

(a) permit himself to be photographed ;

(b) allow his finger impressions to be taken ;

(c) furnish such officer with specimens of his handwriting and signature ;

(d) attend at such times and places as such officer may direct for all or any of the foregoing purposes.

(2) If any person fails to comply with or attempts to avoid any direction given in accordance with the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to one thousand rupees, or both.

18. The power to issue search warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence specified in the First Schedule has been, is being or is about to be committed and the seizure of anything found therein or thereon which the officer executing the warrant has reason to believe has been, is being, or is intended

to be used for the commission of any such offence; and the provisions of the Code, so far as they can be made applicable, shall apply to searches made under the authority of any warrant issued under this section, and to the disposal of any property seized in any such search; and an order for search issued by the Local Government under sub-section (2) of section 12 shall be deemed to be a search warrant issued by the District Magistrate having jurisdiction in the place specified therein, and may be executed by the person to whom the order is addressed in the manner provided in this section.

19. (1) Within one month from the date of an order by the Local Government under sub-section (1) of section 12, the Local Government shall place before two persons, who shall be either Session Judges or Additional Session Judges having, in either case, exercised for at least five years the powers of a Sessions Judge, or Additional Sessions Judge, the material facts and circumstances in its possession on which the order has been based or which are relevant to the inquiry, together with any such facts and circumstances relating to the case which may have subsequently come into its possession, and a statement of the allegations against the person in respect of whom the order has been made and his answers to them if furnished by him. The said Judges shall consider the said material facts and circumstances and the allegations and answers and shall report to the Local Government whether or not in their opinion there is lawful and sufficient cause for the order.

(2) On receipt of the said report, the Local Government shall consider the same and shall pass such order thereon as appears to the Local Government to be just or proper.

(3) Nothing in this section shall entitle any person against whom an order has been made under sub-section (1) of section 12 to attend in person or to appear by pleader in any matter connected with the reference to the said Judges, and the proceedings and report of the said Judges shall be confidential.

20. (1) When an order under sub-section (1) of section 12 has been made against a person, the Local Government may at any time, without conditions or upon any conditions which such person accepts, direct the suspension or cancellation of such order.

(2) If any condition on which an order has been suspended or cancelled is in the opinion of Local Government not fulfilled, the Local Government may revoke the suspension or cancellation, and thereupon the person in whose favour such suspension or cancellation was made may, if at large, be arrested by any police officer without warrant, and the order under sub-section (1) of section 12 shall be deemed to be in full force.

(3) If the conditions on which such suspension or cancellation has been made include the execution of a bond with or without sureties, the Local Government may at once proceed to recover the penalty of such bond.

(4) A Magistrate of first class shall in default of payment of such penalty issue, on application made in this behalf by an officer of the Local Government specially empowered, a warrant for the attachment and sale of the moveable property belonging to the defaulter or his estate if he be dead. On the issue of such warrant the provisions of sub-sections (3) and (4) of section 514 of the Code shall apply to such recovery.

21. (1) The Local Government shall, by order in writing, appoint such persons as it thinks fit to constitute Visiting Committees for the purposes of this Ordinance, and shall by rules prescribe the functions which those Committees shall exercise.

(2) Such rules shall provide for periodical visits to persons under restraint by reason of an order made under sub-section (1) of section 12.

(3) No person in respect of whom any such order has been made requiring him to notify his residence or change of residence or to report himself to the police or to abstain from any specified act, shall be deemed to be under restraint for the purposes of sub-section (2).

22. The Local Government shall make to every person, who is placed under restraint by reason of an order made under sub-section 1 of section 12, a monthly allowance for his support of such amount as is, in the opinion of the Local Government, adequate for the supply of his wants, and shall also make to his family, if any, and to such of his near relatives, if any, as are in the opinion of the Local Government dependent on him for support, an allowance for the supply of their wants suitable in the opinion of the Local Government to their rank in life.

# ORDINANCE NO. II OF 1931

( 6th. March 1931 )

## **An Ordinance to repeal certain Ordinances.**

In exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance :—

1. This Ordinance may be called the Repealing Ordinance, 1931.
  2. The Unlawful Association Ordinance, 1930, the Indian Press and Unauthorised News-sheets and Newspaper Ordinance, 1930, and the Unlawful Instigation (Second) Ordinance, 1930, are hereby repealed.
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# ORDINANCE NO. III OF 1931

( 12th. March 1931 )

## **An Ordinance to provide for the speedy trial of persons accused of offences connected with the recent rebellion in Burma.**

Whereas it is expedient to provide for the speedy trial of persons accused of offences connected with the recent rebellion in Burma :

Now therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor-General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Burma Rebellion (Trials) Ordinance, 1931.
- (2) It extends to the Districts of Tharrawaddy, Insein and Pyapon, in the province of Burma, but the Governor General in Council may, by notification in the Gazette of India, extend it to any other area in Burma specified in such notification.
2. In this Ordinance, "the Code" means the Code of Criminal Procedure, 1898.
3. A Special Tribunal may be constituted by the Local Government for any area to which this Ordinance extends, and shall consist of three persons who shall be appointed by the Local Government. The President of the Tribunal shall be a person who has acted or is acting as Judge of the High Court of Rangoon, and the other two members shall be persons who have acted for a period of not less than two years in the exercise of the powers of a Sessions Judge under the Code.
4. Subject to the provisions of section 9, a Special Tribunal shall try such offences as the Local Government may, by general or special order in writing, direct.
5. (1) A Special Tribunal may take cognizance of offences without the accused being committed to it for trial and, in trying accused persons, shall follow the procedure prescribed by the Code for the trying of warrant cases by Magistrates ;  
Provided that the Special Tribunal shall make a memorandum only of the substance of the evidence of each witness examined, and shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice.
- (2) In the event of any difference of opinion among the members of a Special Tribunal, the opinion of the majority shall prevail.
- (3) Special Tribunals may pass any sentence authorised by law.
6. The Local Government may, by notification in the local official Gazette, make rules providing for—
  - (i) the times and places at which Special Tribunals may sit ; and

(ii) the procedure of Special Tribunals, including the powers of the President, and the procedure to be adopted in the event of the President or any member being prevented from attending throughout the trial of any accused person.

7. The Local Government may appoint to be a Special Judge for any area to which this Ordinance extends any officer who has acted for a period of not less than two years in the exercise of the powers of a Sessions Judge under the Code.

8. (1) Subject to the provisions of section 9, a Special Judge shall try such offences as the Local Government, or an officer empowered by the Local Government in this behalf, may, by general or special order in writing, direct.

(2) A Special Judge shall follow the same procedure and shall have the same powers as a Special Tribunal follows and has under section 5.

9. (1) No Court constituted under this Ordinance shall try any offence unless such offence was connected with the recent rebellion.

(2) If any question arises whether or not an offence is an offence of the nature described in sub-section (1), the decision of the Court taking cognizance of the case under this Ordinance shall be conclusive on the point, and such decision shall not be questioned in any court.

10. Save as otherwise provided in this Ordinance, the provisions of the Code and of any other law for the time being in force shall, to such extent as they may be applicable, apply to trials before Courts constituted under this Ordinance, and to appeals from and confirmations of sentences of such Courts, and to all other matters connected with or arising from such trials, as if the said Courts were Courts of Session exercising original jurisdiction :

Provided that no appeal shall lie in any case tried by a Special Tribunal unless the Special Tribunal passes a sentence of death or a sentence including transportation or imprisonment excluding five years.

## ORDINANCE NO. IV OF 1931

( 5th. April 1931. ) ~

### **An Ordinance to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of the foreign States.**

Whereas an emergency has arisen which makes it necessary to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States :

Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance.

1. (1) This Ordinance may be called the Foreign Relations Ordinance.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

2. Whoever makes, publishes or circulates any statement, rumour or report with intent to promote, or which is likely to promote, or whereof the making, publishing or circulating is likely to promote, unfriendly relations between His Majesty's Government and the Government of any foreign State shall be punishable with imprisonment, which may extend to two years, or with fine, or with both.

3. No Court shall take cognizance of any offence punishable under this Ordinance, unless upon complaint made by order of, or under the authority from, the Governor-General in Council, the Local Government, or some officer empowered by the Governor-General in Council in this behalf.

4. The provisions of sections 99A to 99G of the Code of Criminal Procedure, 1898, and of sections 27B to 27D of the Indian Post Office Act, 1898, shall apply in the case of any book, newspaper or other document containing matter in respect of which any person is punishable under section 2 in like manner as they apply in the case of a book, newspaper or document containing seditious matter within the meaning of those sections.

# ORDINANCE NO. V OF 1931

[ 1st. August, 1931. ]

## **An Ordinance to provide for the conference of special powers upon the Local Government of Burma and its officers for the suppression of rebellion and disorder and the restoration and maintenance of law and order.**

Whereas an emergency has arisen which makes it necessary to provide for the conferment of special powers upon the Local Government of Burma and its officers for the suppression of rebellion and disorder and the restoration and maintenance of law and order ;

Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Burma Emergency Powers Ordinance, 1931.

(2) This Chapter and sections 3, 4, 13 and 21, and also sections 14, 15, 16, 17, 18, 23, 25, 27, 28 and sub-section (1) of section 26 in their application to the aforementioned sections, extend to the whole of Burma.

(3) This Ordinance as a whole extends in the first instance only to the districts of Pegu, Hanthawaddy, Tharrawaddy, Prome, Bassein, Henzada, Thayetmyo, Ma-Ubin, Myaungmya, Pyapon, Toungoo and Insein, but, save as already provided in sub-section (2) the Governor General in Council may, by notification in the Gazette of India, extend any or all of its provisions to any other area in Burma.

2. In this Ordinance unless there is anything repugnant in the subject or context,—

(a) the “Code” means the Code of Criminal Procedure, 1893 ;

(b) “rebel” includes any person who has committed an offence punishable under section 121, 121A, 122 or 123 of the Indian Penal Code, or against whom operations are being carried out by His Majesty's forces or the police for the purpose of restoring or maintaining law and order in any area to which this Ordinance extends.

3. (1) A competent authority may arrest without warrant any person against whom a reasonable suspicion exists that he has promoted or assisted to promote or intends to promote rebellion against the authority of Government, or that he has assisted or intends to assist any rebel, or otherwise has acted or intends to act in a manner prejudicial to the restoration or maintenance of law and order.

(2) In making such arrest a competent authority may use any means that may be necessary.

(3) A competent authority making such arrest shall forthwith report the fact to the Local Government and may, by order in writing, commit any person so arrested to such custody as the Local Government may, by general or special order, specify in this behalf :

Provided that no person shall, unless the Local Government by special order otherwise directs, be detained in custody under this section for a period exceeding fifteen days ;

Provided further that no person shall be detained in custody under this section for a period exceeding one month.

4. (1) The Local Government or a competent authority, if satisfied that there are reasonable grounds for believing that any person has promoted or assisted to promote or intends to promote rebellion against the authority of Government, or that he has assisted or intends to assist any rebel, or has otherwise acted or intends to act in a manner prejudicial to the restoration or maintenance of law and order, may, by order in writing, direct that such person—

(a) shall not enter, reside or remain in any area specified in the order ;

(b) shall reside or remain in any area specified in the order ;

(c) shall remove himself from, and shall not return to, any area specified in the order ; or

(d) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

(2) An order made under sub-section (1) shall not, unless the Local Government by special order otherwise directs, remain in force for more than one month from the making thereof.

(3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

5. A competent authority may appoint persons as special police officers, and any person so appointed shall be deemed to have been appointed as a special police officer in accordance with the provisions of any enactment relating to the appointment of special police in force in the area in which he is appointed.

6. A competent authority may require any person to assist in the restoration or maintenance of law and order in such manner and within such limits as the competent authority may prescribe.

7. (1) Where in the opinion of a competent authority such action is expedient in the furtherance of any operation being carried out by His Majesty's forces or the police for the restoration or maintenance of law and order or the protection of property, such competent authority may, after recording an order in writing stating his reasons,—

(a) take possession of any land, and construct military works, including roads thereon, and remove any trees, hedges, crops and defences therefrom ;

(b) take possession of any land or buildings, together with any property thereon, whether moveable or immovable, including works for the supply of electricity or water and any source of water supply ;

(c) take such steps as may be expedient for placing any lands, buildings or structures in a state of defence ;

(d) cause any buildings, structures, trees, hedges, crops or other property of any kind to be destroyed or removed ; and

(e) do any other act involving interference with private rights in property.

(2) If, in the opinion of the Local Government or of a competent authority, any land or building can be utilised as quarters of offices for public servants, or for the accommodation of troops, police or prisoners, the Local Government or competent authority, as the case may be, may, by order in writing, require the occupier or other person in charge of the land or building to place it at the disposal of Government at such time as may be specified in the order, together with the whole or any part specified in the order of any fixtures, fittings, furniture or other things for the time being in the building or on the land ; and the Local Government or competent authority may dispose of or use such land, building, fixtures, fittings, furniture or other things in such manner as it may consider expedient.

(3) In this section "building" includes any portion or portions of a building whether separately occupied or not.

(4) The District Magistrate may, on the application of any person who has suffered loss by the exercise of the powers conferred by the section, award to such person such compensation as he thinks reasonable, and such award shall be final.

8. (1) If, in the opinion of the Local Government or of a competent authority, any produce, article or thing can be utilised for the public advantage, the Local Government may, by order in writing, require any owner or person in charge of such produce, article or thing to place it at the disposal of Government at such time and place as may be specified in the order ; and the Local Government, or competent authority, may dispose of or use it in such manner as it may consider expedient.

(2) The District Magistrate may, on the application of any person who has suffered loss by the exercise of the power conferred by the sub-section (1), award to such person such compensation as he thinks reasonable, and such award shall be final.

9. (1) A competent authority may, by order in writing publish in such manner as he thinks best adapted for informing the person concerned,—

(a) prohibit, either absolutely or subject to such exceptions as may be specified in the order, the purchase, sale or delivery of, or other dealing in, any arms, parts of arms, ammunition, explosive substances or materials wherefrom any explosive substance may be made, or

(b) direct that any person owning or having in his possession or under his control any arms, parts of arms, ammunition, explosive substances or materials wherefrom any explosive substance may be made, shall keep the same in a secure place approved by the competent authority or remove them to any place specified in the order.

(2) A competent authority may take possession of—

(a) any arms, parts of arms, ammunition, explosive substances or materials wherefrom any explosive substance may be made, or

(b) any tools, machinery, implements or other material of any kind, likely, in his opinion, to be utilised, whether by the owner or by any other person, for the purpose of causing unlawful hurt or damage to any person or to any property.

10. (1) A competent authority may, by order in writing, require any person to make, in such form and within such time and to such authority as may be specified in the order, a return of any vehicles, vessels or other means of transport owned by him or in his possession or under his control.

(2) A competent authority, if, in his opinion, it is necessary for the public advantage, may, by order in writing, require any person owning and having in his possession or under his control any vehicle, vessel or other means of transport to take such order therewith for such period as may be specified.

11. Where, in the opinion of a competent authority, such action is expedient for carrying out the purposes of this Ordinance, such competent authority may close or divert any road, pathway or waterway, or may regulate traffic over any road, pathway or waterway:

Provided that the competent authority shall—

(a) give notice in writing of such action to the local authority if any in whose charge such road, pathway or waterway is; and

(b) restore any such road, pathway or waterway to its original use and condition as soon as the necessities of the case permit this to be done.

12. (1) A competent authority may control the operation of any post, telegraph, telephone or wireless office or station in any part of the area for which he is appointed, and, in particular, may intercept any postal article, or telegraphic, telephonic or wireless message in the course of transmission, may ascertain its contents and may prohibit its further transmission.

(2) The powers conferred by sub-section (1) shall be exercised in consultation with the postal authority in charge of the office or station concerned, or with any superior postal authority.

13. (1) The Local Government may, by notice in writing, direct the keeper of any press not to print any matter concerning the rebellion or any matter which may tend to promote feelings of enmity between the different classes of His Majesty's subjects until such matter has been approved by a competent authority: and the Local Government may, by such notice, require the keeper of the press to deposit with the District Magistrate security not exceeding two thousand rupees, in money or the equivalent thereof in securities of the Government of India.

(2) A direction under sub-section (1) shall not affect the printing of matter supplied by or on behalf of Government, or of news supplied by any news-agency notified in this behalf by the Local Government.

(3) If security has been required in respect of any press under sub-section (1), and before the security is furnished the press is used for the printing of any matter in contravention of the direction made under that sub-section, the Local Government may, by notice in writing, declare the press so used and any other press found in or upon the premises where such press is so used to be forfeited to His Majesty.

(4) If security has been furnished in respect of any press under sub-section (1) and the press is used for the printing of any matter in contravention of the direction made under that sub-section, the Local Government may, by notice in writing, declare the security or any portion thereof to be forfeited to His Majesty.

(5) If the security deposited in respect of a press, or any portion thereof has been forfeited under sub-section (4), and the press is again used for printing any matter in contravention of the direction made under sub-section (1), the Local Government may, by notice in writing, declare the press so used and any other press found in or upon the premises where such press is so used, along with any unforfeited balance of the security, to be forfeited to His Majesty.

6. Where any press is declared forfeited to His Majesty under this section, the Local Government may direct the District Magistrate to issue a warrant empowering any police officer, not below the rank of Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises where it may be or may be reasonably suspected to be.

(7) Every notice under this section shall be directed to the keeper of the press concerned and shall be sent to the District Magistrate who shall cause it to be served in the manner provided for the service of summonses under the Code :

Provided that if its service in such manner cannot by the exercise of due diligence be effected, the serving officer shall affix a copy of the notice in some conspicuous part of the place where the press is situated, and thereupon the notice shall be deemed to have been duly served.

(8) In this section "press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant and materials used for multiplying documents.

14. The power to issue search-warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—

(a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Ordinance or any act prejudicial to the restoration or maintenance of law and order has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made ;

(b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause ;

and the provisions of the Code shall, so far as may be, apply to such searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

15. Any authority on which a power is conferred by or under this Chapter may, by general or special order, authorise any person to enter and search any place the search of which such authority has reason to believe to be necessary for the purpose of—

(a) ascertaining whether it is necessary or expedient to exercise such power ; or

(b) ascertaining whether any order given, direction made, or condition prescribed in the exercise of such power has been duly complied with ; or

(c) generally, giving effect to such power or securing compliance with, or giving effect to, any order given, direction made or condition prescribed in the exercise of such power.

16. If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed in accordance with the provisions of this Ordinance or of the rules made thereunder, the authority which made the order, gave the direction or prescribed the condition may take or cause to be taken such action as it thinks necessary to give effect thereto.

17. Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of section 4 or section 9 shall be punishable with the imprisonment which may extend to three years, or with fine, or with both.

18. Subject to the provisions of section 17, whoever disobeys or neglects to comply with any order made, direction given or condition prescribed in accordance with the provisions of Chapter II, or impedes the lawful exercise of any power referred to in that Chapter, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

19. Whoever induces or attempts to induce any public servant or any servant of a local authority or any railway servant to disregard or fail in his duty as such servant shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

20. Whoever dissuades or attempts to dissuade any person from entering the military or police service of His Majesty shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

21. Whoever by words, whether spoken or written, or by signs or by visible or audible representations or otherwise publishes any statement, rumour or report which is false and which he has no reasonable ground to believe to be true, with intent to cause or which is likely to cause fear or alarm to the public or to any section of the public, or hatred or contempt towards any public servant, or any class of His Majesty's subjects, shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

22. (9) Where it appears to the Local Government that the inhabitants of any area have assisted or harboured rebels, or have attacked the persons or property of



members of any community of His Majesty's subjects, the Local Government may, by notification in the Burma Gazette, impose a collective fine on the inhabitants of that area.

(2) The Local Government may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(4) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

*Explanation.*—For the purposes of this section, the "inhabitants" of an area includes persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

23. The Local Government may, by general or special order, appoint persons to be competent authorities to exercise any of the powers conferred upon a competent authority by Chapter II within such area as may be specified in the order.

24. In any area in which this Ordinance is in force, the following amendments shall be deemed to be made in the Burma Village Act, 1907, namely:—

(a) In sub-section (1) of section 20,—

(i) after the word "abetting," where it first occurs, the word "rebels" shall be deemed to be inserted, and that word shall have the meaning given to it in section 2 of this Ordinance; and

(ii) after the word "abetting" in the second place where it occurs, the words "or is abetting attacks on the persons or property of members of a community of His Majesty's subjects" shall be inserted.

(b) In section 21, after the words "assistant conservator," the words "or any commissioned officer of His Majesty's forces, or any officer of the Burma Military police not below the rank of Assistant Commandant, or any police officer not below the rank of Deputy Superintendent" shall be deemed to be inserted.

25. (1) The Local Government, subject to the control of the Governor General in Council, may by notification in the Burma Gazette, make rules—

(a) to prevent communications with rebels, and to secure information of the movements of rebels;

(b) to prevent attacks on the persons or property of members of a community of His Majesty's subjects, or to secure information of such attacks and of designs to make such attacks;

(c) to secure the safety of His Majesty's forces and police;

(d) to regulate the exercise of powers by competent authorities;

(e) to provide for the custody pending production before a Court of prisoners taken in circumstances in which the provisions of the Code cannot be followed without undue inconvenience; and

(f) generally, to carry out the purposes of this Ordinance.

(2) In making a rule under this section the Local Government may provide that any contravention thereof shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

26. (1) Notwithstanding anything contained in the Code, an offence punishable under this Ordinance shall be cognizable and non-bailable.

(2) Notwithstanding anything contained in the Code, an offence punishable under section 121, 121A, 122, 123, 153A, 186, 187, 188, 189, 227, 505, 506, 507, or 508 of the Indian Penal Code, or under section 17 of the Indian Criminal Law Amendment Act, 1908, shall be cognizable and non-bailable.

(3) Notwithstanding anything contained in section 195 or section 196 of the Code, any Court otherwise competent to take cognizance of an offence punishable under section 121, 121A, 122, 123, 153A, 186, 187, 188 or 508 of the Indian Penal Code may take cognizance of such offence upon a police-report being made to it under clause (a) of sub-section (1) of section 173 of the Code, but shall not proceed with the trial unless it has received a complaint in respect of such offence under section 195 or section 196, as the case may be, and the absence of such complaint shall be reasonable cause, within the meaning of section 344 of the Code, for postponing the commencement of the trial and for remanding the accused.

27. No proceeding rule or order purporting to be taken or made under this Ordinance shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done, or in good faith intended to be done, under this Ordinance or any rule made thereunder.

28. Nothing contained in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this Ordinance.

## ORDINANCE NO. VI OF 1931

( 21st. September 1931 )

### **An Ordinance to remove temporarily the obligation imposed upon the Governor General in Council to sell gold or sterling when demanded.**

Whereas an emergency has arisen which makes it expedient that the Governor General in Council should be relieved, while the emergency continues, of the obligation imposed upon him by section 5 of the Currency Act, 1927, to sell gold or sterling when demanded at rates therein fixed : It is hereby enacted as follows :—

1. This Ordinance may be called the Currency Ordinance, 1931.
2. Until the Governor General in Council, by notification in the Gazette of India, directs to the contrary, section 5 of the Currency Act, 1927, shall have no force.

## ORDINANCE NO. VII OF 1931

[ 24th. September 1931 ]

### **An Ordinance to repeal the Currency Ordinance, 1931, and to regulate sales of gold or sterling under section 5 of the Currency Act, 1927.**

Whereas it is expedient to repeal the Currency Ordinance, 1931, and to resume and regulate sales of gold or sterling under section 5 of the Currency Act, 1927 ; It is hereby enacted as follows :—

1. This Ordinance may be called the Gold and Sterling Sales Regulation Ordinance, 1931.
2. The Currency Ordinance, 1931, is hereby repealed.
3. (i) Notwithstanding anything contained in section 5 of the Currency Act, 1927 (hereinafter referred to as " the said section " ), sales of gold or sterling under the said section—
  - (a) shall be completed only by the Imperial Bank of India (hereinafter referred as " the Bank " ), at its local head offices in Calcutta and Bombay ;
  - (b) shall be made only to branches in Calcutta or Bombay or banks for the time being recognised in this behalf by the Governor General in Council ;
  - (c) shall be made for financing—
    - (i) normal trade requirements, excluding any requirement falling under clause (d).
    - (ii) contracts completed before the 21st September, 1931, and
    - (iii) reasonable personal or domestic purposes ; and

(d) shall not be made for—

(i) financing imports of gold or silver coin or bullion, or

(ii) liquidating the oversold exchange position of any bank in respect of any month subsequent to the month in which the demand for gold or sterling is made.

(2) Where any demand is made under the said section to the Controller of the Currency at Calcutta or to the Deputy Controller of the Currency at Bombay, it shall be forwarded forthwith to the local head office of the Bank.

4. The Governor General in Council may, by notification in the Gazette of India, make rules—

(a) prescribing conditions as to the amounts of gold or sterling which may be sold to any recognised bank, and the procedure regulating the making of demands for gold or sterling ;

(b) prescribing the authorities which may determine if the conditions imposed upon sales by or under this Ordinance have been satisfied ;

(c) authorising a Managing Governor of the Bank to suspend the recognition of any bank provisionally, for a period not exceeding seven days, and regulating the exercise of such authority ; and

(d) generally, to carry out the purposes of this Ordinance.

5. No suit or other proceeding shall lie in any Court in respect of anything done or in good faith intended to be done under this Ordinance or the rules made thereunder.

## ORDINANCE NO. VIII OF 1931

( 10th. October 1931 )

### An Ordinance to try Cases in the accused's absence.

This Ordinance made provision for procedure in trials before the commissioners appointed under the Criminal Procedure (Punjab Amendment) Act of 1931, as extended to the province of Delhi. The operative clause read :—

(1) The commissioners shall have power to take such measures as they may think necessary to secure an orderly conduct of trials and where any accused by his voluntary act has rendered himself incapable of appearing before commissioners or resists his production before them or behaves in any other way or wilfully conducts himself to the serious prejudice of the trial, the commissioners may, at any stage of the trial, dispense with the attendance of such an accused for such period as they may think fit and proceed with the trial in his absence.

(2) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (1) such an accused shall be deemed not to plead guilty.

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial.

(4) Notwithstanding anything contained in the Code of Criminal Procedure of 1898, no finding of sentence or order passed in a trial before commissioners shall be held to be illegal by any court by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (1).

## ORDINANCE NO. 1X OF 1931

( 29th. October, 1931 )

### An Ordinance to amend temporarily the Bengal Criminal Law Amendment Act, 1930.

Whereas an emergency has arisen which makes it necessary to amend temporarily the Bengal Criminal Law Amendment Act, 1930 ;

Now therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor-General is pleased to make and promulgate the following Ordinance :—

1. This Ordinance may be called the Bengal Criminal Law Amendment Ordinance, 1931.

2. So long as this Ordinance remains in force the Bengal Criminal Law Amendment Act, 1930 (hereinafter referred to as the said Act), shall be deemed to be amended in the manner shown in sections 3, 4 and 5 of this Ordinance.

3. In sub-section (1) of section 2 of the said Act, for the words beginning "Where, in the opinion of the Local Government", and ending with the words "may by order in writing", the following shall be substituted, namely :—

"Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person—

(i) is a member of an association of which the objects and methods include the commission of any offence included in the First Schedule, or the doing of any act with a view to interfere by violence with the administration of justice, or

(ii) has been or is being instigated or controlled by a member of any such association with a view to the commission or doing of any such offence or act, or

(iii) has done or is doing any act to assist the operations of any such association, the Local Government may, by order in writing".

4. In the First Schedule to the said Act,—

(a) in paragraph (1), for the figures "148", the figures "121, 121A, 122, 123, 148, 216" shall be substituted;

(b) after paragraph (1) as so amended, the following paragraphs shall be inserted, namely :—

"(2) Any offence under the Explosive Substances Act, 1908,

(3) Any offence under the Indian Arms Act, 1875"; and

(c) paragraph (2) shall be renumbered as paragraph (4).

5. In paragraph (a) of the Second Schedule to the said Act, for the figures "148", the figures "121, 121A, 122, 123, 148, 216" shall be substituted.

## ORDINANCE NO. X OF 1931

[ 4th November, 1931. ]

### An Ordinance to prevent assemblies of men from proceeding from British India into the territory of His Highness the Maharaja of Jammu and Kashmir and promoting disorders therein.

Whereas an emergency has arisen which makes it expedient to prevent assemblies of men from proceeding from British India into the territory of His Highness the Maharaja of Jammu and Kashmir and promoting disorders therein

Now therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Ka-hmir State (Protection against Disorders) Ordinance, 1931.

(2) It extends to the whole of the Punjab.

2. (1) Where the District Magistrate is of opinion that five or more persons are assembled within his district for the purpose of proceeding together into the territory of His Highness the Maharaja of Jammu and Kashmir,

and that their entry into or presence in such territory is likely or will tend to cause interference with the administration of such territory, or danger to human life or safety, or a disturbance of the public tranquillity, or a riot or an affray within such territory,

he may, by order in writing stating the material facts of the case, direct such persons to disperse.

(2) A copy of such order shall be stuck up at the place where such persons are for the time being assembled, and its contents shall be proclaimed to them, with beat of drum.

(3) After the order has been so promulgated, any five or more persons of the persons assembled who remain assembled or who re-assemble, whether at or near the place of promulgation or at any distance from it, shall be an unlawful assembly within the meaning of section 149 of the Indian Penal Code.

3. (1) Where the District Magistrate has reason to believe that there is a movement in his district for the promotion of assemblies of persons for the purpose of proceeding from British India into the territory of His Highness the Maharaja of Jammu and Kashmir,

and that the entry of such assemblies into such territory or their presence therein is likely or will tend to cause interference with the administration of such territory, or danger to human life or safety, or a disturbance of the public tranquillity, or a riot or an affray within such territory.

he may, by order in writing, direct persons generally to abstain from assembling for such purpose in any area specified in the order.

(2) Such order shall be notified by proclamation, published throughout the specified area in such manner as the District Magistrate may think fit, and a copy of such order shall be forwarded to the Local Government.

(3) If, after such order has been made, any five or more persons assemble within the specified area, any Magistrate or police officer not below the rank of Sub-Inspector may require such persons to state and explain their purpose in assembling, and if they fail to give a satisfactory explanation may require them to disperse.

(4) Any five or more of the persons so required to disperse who remain assembled or re-assemble, whether at or near the place where they were required to disperse or at any distance from it, shall be an unlawful assembly within the meaning of section 141 of the Indian Penal Code.

(5) No order under sub-section (1) shall remain in force for more than two months from the making thereof, unless the Local Government, by notification in the local official Gazette, otherwise directs.

## ORDINANCE NO. XI OF 1931

( 30th. November, 1931. )

### **An Ordinance to confer special powers on the Government of Bengal and its officers for the purpose of suppressing the terrorist movement and to provide for the speedier trial of offences committed in furtherance of or in connection with the terrorist movement.**

Whereas an emergency has arisen which makes it necessary to confer special powers on the Government of Bengal and its officers for the purpose of suppressing the terrorist movement and to provide for the speedier trial of offences committed in furtherance of or in connection with the terrorist movement ;

Now therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor-General is pleased to make and promulgate the following Ordinance :

1. (1) This Ordinance may be called the Bengal Emergency Powers Ordinance, 1931.

(2) This section, section 2, Chapter II and the Schedule extend to the whole of Bengal. Chapter I extends in the first instance to the district of Chittagong, but the Governor-General in Council may, by notification in the Gazette of India, extend any or all of its provisions to any other area in Bengal.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "the Code" means the Code of Criminal Procedure, 1898 ; and

(b) "scheduled offence" means any offence specified in the Schedule.

3. (1) Any officer of Government authorised in this behalf by general or special order of the Local Government may require any person whom he suspects to be acting or about to act in a manner prejudicial to the public safety or peace to give an account of his identity and movements, and may arrest and detain him for a period not exceeding twenty-four hours for the purpose of obtaining and verifying his statements.

(2) An officer making an arrest under this section may in so doing use any means that may be necessary.

4. (1) If, in the opinion of the Local Government, any land or building can be utilised as quarters or offices for public servants, or for the accommodation of troops or police or prisoners or persons in custody, the Local Government may, by order in writing, require the occupier or other person in charge of that land or building to place it at the disposal of Government at such time as may be specified in the order together with the whole or any part specified in the order of any fixtures, fittings, furniture or other things in such manner as it may consider expedient.

(2) In this section "building" includes any portion or portions of a building whether separately occupied or not.

(3) The collector may, on the application of any person who has suffered loss by the exercise of the power conferred by sub-section (1), award to such person such compensation as he thinks reasonable.

5. (1) If, in the opinion of the District Magistrate, any product, article or thing or any class of product, article or thing, can be utilised in furtherance of the purposes of this Ordinance, the District Magistrate may, by order in writing, require any owner or person in charge of such product, article or thing to place it at the disposal of Government at such time and place as may be specified in the order; and the District Magistrate may dispose of or use it in such manner as he may consider expedient.

(2) The Collector may, on the application of any person who has suffered loss by the exercise of the power conferred by sub-section (1), award to such person such compensation as he thinks reasonable.

6. The District Magistrate may, by order in writing, prohibit or limit, in such way as he may think expedient for the purposes of this Ordinance, access to any building or place in the possession or under the control of Government or of any railway administration or local authority, or to any building or place in the occupation, whether permanent or otherwise, of His Majesty's Naval, Military or Air Forces or of any police force, or to any place in the vicinity of any such building or place.

7. The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think expedient for the purposes of this Ordinance, traffic over any road, pathway, bridge, waterway or ferry.

8. (1) The District Magistrate may, by order in writing, require any person to make, in such form and within such time and to such authority as may be specified in the order, a return of any vehicles or means of transport owned by him or in his possession or under his control.

(2) The District Magistrate, if, in his opinion, it is expedient for the purposes of this Ordinance, may, by order in writing, require any person owning or having in his possession or under his control any vehicle or means of transport to take such order therewith for such period as may be specified in the order.

9. (1) The District Magistrate may, by order in writing, publish in such manner as he thinks best adapted for informing the persons concerned.—

(a) prohibit, either absolutely or subject to such exception as may be specified in the order, the purchase, sale or delivery of, or other dealing in, any arms, parts of arms, ammunition or explosive substances; or

(b) direct that any person owning or having in his possession or under his control any arms, parts of arms, ammunition or explosive substances, shall keep the same in a secure place approved by the District Magistrate or remove them to any place specified in the order.

(2) The District Magistrate may take possession of—

(a) any arms, ammunition or explosives, or

(b) any tools, machinery, implements or other material of any kind, likely, in his opinion, to be utilised, whether by the owner or by any other person, for the commission of any scheduled offence,

and may make such orders as he may think fit for the custody and disposal thereof.

10. The District Magistrate may require any landholder, or any member, officer or servant of any local authority, or any teacher in any school, college or other educational institutions, to assist in the restoration and maintenance of law and order and in the protection of property in the possession or under the control of Government, or of any railway administration or local authority, in such manner and within such limits as the District Magistrate may specify.

11. The power to issue search-warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—

(a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any scheduled offence or any offence punishable under this Ordinance has been, is being or is about to be committed, or that preparation for the commission of any such offence is being made ;

(b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause ;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

12. Any authority on which any power is conferred by or under this Chapter may authorise any person to enter and search any place the search of which such authority has reason to believe to be necessary for the purpose of.—

(a) ascertaining whether it is necessary or expedient to exercise such power ; or

(b) ascertaining whether any order given, direction made, or condition prescribed in the exercise of such power has been duly complied with ; or

(c) generally, giving effect to such power or securing compliance or giving effect to, any order given, direction made or condition prescribed in the exercise of such power.

13. If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction or prescribed the condition may take or cause to be taken such action as it thinks necessary to give effect therein.

14. (1) Where it appears to the Local Government that the inhabitants of any area concerned in the commission of scheduled offences or are in any way assisting persons in committing such offences, the Local Government may, by notification in the local official Gazette, impose a collective fine on the inhabitants of that area.

(2) The Local Government may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(4) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

(5) The Local Government may award compensation out of the proceeds of a fine realised under this section to any person who, in the opinion of the Local Government, has suffered injury to person or property by the unlawful act of the inhabitants of the area.

*Explanation.*—For the purposes of this section, the “inhabitants” of an area include persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

15. Whoever disobeys or neglects to comply with any order made, direction given or condition prescribed in accordance with the provisions of this Chapter or impedes the lawful exercise of any power referred to in this Chapter, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

16. (1) The Local Government may invest the District Magistrate with the powers of a Local Government under section 4, and the District Magistrate may, subject to the control of the Local Government, delegate the powers so vested in him to any police officer not below the rank of Deputy Superintendent or to any military officer not below the rank of Captain.

(2) The Local Government may invest any Sub-divisional Magistrate, or any police officer not below the rank of Deputy Superintendent or any military officer not below the rank of Captain, with any of the powers of a District Magistrate under this Chapter.

(3) The District Magistrate may, by order in writing, authorise any civil or military officer to exercise any of the powers of the District Magistrate under this Chapter in a specified area or in connection with a specified operation or series of operations.

17. (1) The Local Government, subject to the control of the Governor General in Council, may, by notification in the local official Gazette, make rules—

(a) to prevent communications with absconders and to secure information of the movements of absconders ;

(b) to prevent attacks on the persons or property of His Majesty's subjects or to secure information of such attacks and of designs to make such attacks ;

(c) to secure the safety of His Majesty's forces and police ;

(d) to regulate the exercise of powers conferred by or under this Chapter ;

(e) to provide for the custody pending production before a Court of prisoners taken in circumstances in which the provisions of the Code cannot be followed without undue inconvenience ;

(f) generally, to carry out the purposes of this Chapter.

(2) In making a rule under this section the Local Government may provide that any contravention thereof shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

18. Except as provided in this Chapter, no proceeding or order purporting to be taken or made under this Chapter shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done, or in good faith intended to be done, under this Chapter.

19. Nothing contained in this Chapter shall be deemed to prevent any person from being prosecuted under any other law for any act for omission which constitutes an offence punishable under this Chapter.

20. Notwithstanding anything contained in the Code, any offence punishable under this Chapter shall be cognizable and non-bailable.

21. (1) Notwithstanding anything contained in the Code, an offence punishable under section 160, 186, 187, 188, 189, 227, 228, 505, 506, 507 or 508 of the Indian Penal Code, or under section 17 of the Indian Criminal Law Amendment Act, 1908, shall be cognizable and non-bailable.

(2) Notwithstanding anything contained in section 195 or section 196 of the Code, any Court otherwise competent to take cognizance of an offence punishable under section 186, 187, 188, 228 or 505 of the Indian Penal Code may take cognizance of such offence upon a police-report being made to it under clause (a) of sub-section (1) of section 173 of the Code, but shall not proceed with the trial unless it has received a complaint in respect of such offence under section 195 or section 196 as the case may be, and the absence of such complaint shall be reasonable cause, within the meaning of section 344 of the Code, for postponing the commencement of the trial and for remanding the accused.

22. In the event of this Chapter being extended to the Presidency-town of Calcutta then for the purposes of this Chapter "District Magistrate" shall mean in that town, the Commissioner of Police.

23. Courts of criminal jurisdiction may be constituted under this Ordinance of the following classes, namely :—

(i) Special Tribunals ;

(ii) Special Magistrates.

24. (1) A Special Tribunal may be constituted by the Local Government for such area as it may think fit, and shall consist of a President and two other members who shall be appointed by the Local Government. The President of the Tribunal shall be a person who holds or has held office or is acting or has acted as a Judge of any High Court, and the other members shall be persons qualified under sub-section (3) of section 101 of the Government of India Act for appointment as Judges of a High Court.

(2) If for any reason a member of a Tribunal is unable to discharge his duties, the Local Government shall appoint another member in his place, and upon any such change occurring, it shall not be incumbent on the Tribunal to re-call or rehear any witness who has already given evidence, and, it may act on any evidence already recorded by or produced before it.



25. Where in the opinion of the Local Government there are reasonable grounds for believing that any person has committed a scheduled offence in furtherance of or in connection with the terrorist movement, it may, by order in writing, direct that such person shall be tried by a Special Tribunal.

26. (1) A Special Tribunal may take cognizance of offences without the accused being committed to it for trial and, in trying accused persons, shall follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates :

Provided that the Special Tribunal shall make a memorandum only of the substance of the evidence of each witness examined, and shall not be bound to adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice.

(2) In matters not coming within the scope of sub-section (1), the provisions of the Code, so far as they are not inconsistent with this Chapter or the rules made thereunder, shall apply to the proceedings of a Special Tribunal ; and, for the purpose of the said provisions, the Tribunal shall be deemed to be a Court of Session.

(3) In the event of any difference of opinion among the members of a Special Tribunal, the opinion of the majority shall prevail.

27. A Special Tribunal may pass upon any person convicted by it any sentence authorised by law for the punishment of the offence of which such person is convicted, and no order of confirmation shall be necessary in respect of any sentence passed by it :

Provided that where a Special Tribunal convicts any person of any offence punishable under the first paragraph of section 307 of the Indian Penal Code, committed after the promulgation of this Ordinance, it may pass on such a sentence of death or of transportation for life.

28. The Local Government may, by notification in the local official Gazette, make rules providing for—

(i) the times and places at which Special Tribunals may sit ; and  
(ii) the procedure of Special Tribunals, including the powers of the President, and the procedure to be adopted in the event of the President or any other member being prevented from attending throughout the trial of any accused person.

29. Any Presidency Magistrate or Magistrate of the first class who has exercised powers as such for a period of not less than four years may be invested by the Local Government with the powers of a Special Magistrate under this Ordinance.

30. Where, in the opinion of the Local Government or of the District Magistrate if empowered by the Local Government in this behalf, there are reasonable grounds for believing that any person has committed a scheduled offence not punishable with death, or an offence punishable under this Ordinance, the Local Government or District Magistrate, as the case may be, may, by order in writing, direct that such person shall be tried by a Special Magistrate.

31. (1) In the trial of any case under this Ordinance, a Special Magistrate shall follow the procedure laid down in sub-section (1) of section 26 for the trial of cases by a Special Tribunal :

Provided that such Magistrate may, in trying any offence punishable under this Ordinance, follow the procedure prescribed in the Code for the summary trial of cases where no appeal lies.

(2) In matters not coming within the scope of sub-section (1), the provisions of the Code, so far as they are not inconsistent with this Chapter shall apply to the proceedings of a Special Magistrate ; and for the purpose of the said provisions the Special Magistrate shall be deemed to be a Magistrate of the first class.

32. A Special Magistrate may pass any sentence authorised by law, except a sentence of death or of transportation or imprisonment for a term exceeding seven years.

33. (1) Where a Special Magistrate passes a sentence of transportation or imprisonment for a term exceeding two years, or of fine exceeding one thousand rupees, an appeal shall lie to the Special Tribunal constituted for the area in which the offence was tried :

Provided that where no Special Tribunal has been so constituted, the appeal shall lie to the Court of Session, unless the Special Magistrate passes a sentence of transportation exceeding two years or a sentence of imprisonment exceeding four years, in which case the appeal shall lie to the High Court.

(2) An appeal under sub-section (1) shall be presented within seven days from the date of the sentence.

(3) In disposing of an appeal under this section, a Special Tribunal shall follow the same procedure and shall have the same powers as an Appellate Court follows and has under the Code.

34. No direction shall be made under section 25 or section 30 for the trial of any person by a Special Tribunal or Special Magistrate, for an offence for which he was being tried at the promulgation of this Ordinance before any Court, but, save as aforesaid, a direction under either of the said sections may be made in respect of any person accused of a scheduled offence, whether such offence was committed before or after the promulgation of this Ordinance.

35. If in any trial under this Chapter it is found that the accused person has committed any offence, whether such offence is or is not a scheduled offence, the Court may convict such person of such offence and pass any sentence authorised by law for the punishment thereof.

36. The President of a Special Tribunal or a Special Magistrate may, if he thinks fit, order at any stage of a trial that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

Provided that where in any case the Advocate General certifies in writing to the Court that it is expedient in the interests of the public peace or safety or of the peace or safety of any of the witnesses in the trial that the public generally should not have access to, or be or remain in, the room or building used by the Court, the President or Court, as the case may be, shall order accordingly.

37. (1) Where any accused, in a trial before a Court constituted under this Chapter, has, by his voluntary act, rendered himself incapable of appearing before the Court, or resists his production before it, or behaves before it in a persistently disorderly manner, the Court may, at any stage of the trial, by order in writing and made after such inquiry as it may think fit, proceed with the trial in his absence.

(2) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (1), such accused shall be deemed not to plead guilty.

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial, or of being present in person if he has become capable of appearing, or appears in Court and undertakes to behave in an orderly manner.

(4) Notwithstanding anything contained in the Code, no finding, sentence or order passed in a trial before a Court constituted under this Ordinance shall be held to be illegal by any Court by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (1).

38. Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted evidence in any trial before a Court constituted under this Ordinance if such person is dead or cannot be found or is incapable of giving evidence, and the Court is of opinion that such death, disappearance or incapacity has been caused in the interests of the accused.

39. Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall, save as provided by this Chapter, be no appeal from any order or sentence of a Court constituted under this Chapter, and save as aforesaid no Court shall have authority to revise such order or sentence, or to transfer any case from any such Court, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Court, or in respect of any direction made under this Chapter.

40. The provisions of the Code and of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Chapter or the rules made thereunder, shall apply to all matters connected with, arising from or consequent upon a trial by special criminal courts constituted under this Chapter.

41. The provisions of section 36 and section 37 shall apply to Commissioners appointed under the Bengal Criminal Law Amendment Act, 1925, in respect of proceedings now pending or to be instituted before them, as if such Commissioners were Special Tribunals constituted under this Chapter; and notwithstanding the provisions of the Code, or of any other law for the time being in force, or of

anything having the force of law by whatsoever authority made or done, save as provided in the Bengal Criminal Law Amendment (Supplementary) Act 1925, no Court shall have authority to revise any order or sentence of such Commissioners, or to transfer any case from such Commissioners, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Commissioners.

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## ORDINANCE NO. XII OF 1931

[ 14th. December 1931. ]

### **An Ordinance to provide against instigation to the illegal refusal of the payment of certain liabilities and to confer special powers on the Government of the United Provinces and its officers for the purpose of maintaining law and order.**

Whereas an emergency has arisen which makes it necessary to provide against instigation to the illegal refusal of the payment of certain liabilities and to confer special powers on the Government of the United Provinces and its officers for the purpose of maintaining law and order ;

Now therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance.

1. (1) This Ordinance may be called the United Provinces Emergency Powers Ordinance, 1931.

(2) It extends to the whole of the United Provinces, except section 21, which extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) This section and section 21 shall come into force at once. The remaining provisions of this Ordinance shall come into force at once in the District of Allahabad, Rae Bareilly, Unao, Cawnpore and Etawah only, but the Local Government may, by notification in the local official Gazette, declare that any or all of such provisions shall come into force in any area of the United Provinces on such date as may be appointed in the notification.

2. In this Ordinance, "the Code" means the Code of Criminal Procedure, 1898.

3. The Local Government may, by notification in the Local official Gazette, declare that in any area in which this section is in force land-revenue or any sum recoverable as arrears of land-revenue, or any tax, rate, cess or other due or amount payable to Government or to any local authority, or rent or agricultural land, or anything recoverable as arrears of or along with such rent, shall be a notified liability.

4. (1) Any person to whom an arrear of a notified liability is due may apply in writing to the Collector to realise it, and the Collector may, after satisfying himself that the amount claimed is due, proceed to recover it as an arrear of land-revenue, in accordance with the law applicable to the recovery of arrears of land-revenue in the area concerned.

(2) Nothing in this section or in section 23 shall prevent any person to whom an arrear of a notified liability is due from recovering it in accordance with the law applicable to the recovering of such arrear, or any person from whom any amount has been recovered under this section in excess of the amount due from him from recovering such excess in accordance with law from the person on whose behalf the Collector has realised it.

5. (1) The Local Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace, may, by order in writing, give any one or more of the following directions, namely, that such person

(a) shall not enter, reside or remain in any area specified in the order ;

(b) shall reside or remain in any area specified in the order ;  
 (c) shall remove himself from, and shall not return to, any area specified in the order ;

(d) shall conduct himself in such manner, abstain from such acts or take such order with any property in his possession or under his control, as may be specified in the order.

(5) An order made under sub-section (1) shall not, unless the Local Government by special order otherwise directs, remain in force for more than one month from the making thereof.

(3) A order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

6. (1) If, in the opinion of the Local Government, any land or building can be utilised as quarters or offices for public servants, or for the accommodation of troops or police, or for the purpose of giving effect to this Ordinance or any order made thereunder, or otherwise for the public advantage, the Local Government may, by order in writing, require the occupier or other person in charge of the land or building to place it at the disposal of Government at such time as may be specified in the order, together with the whole, or any part specified in the order, of any fixtures, fittings, furniture or other things for the time being in the building, and the Local Government may dispose of or use such land, building, fixtures, fittings, furniture or other things in such manner as it may consider expedient.

(2) In this section "building" includes any portion or portions of a building whether separately occupied or not.

(3) The Collector may, on the application of any person who has suffered loss by the exercise of the powers conferred by this section, award to such person such compensation as he thinks reasonable.

7. The District Magistrate may, by order in writing, prohibit or limit, in such way as he may think necessary for the public advantage, access to any building or place in the possession or under the control of Government or of any railway administration or local authority, or of any building or place in the occupation, whether permanent or otherwise, of His Majesty's Naval, Military or Air Forces or of any police force, or to any place in the vicinity of any such building or place.

8. The District Magistrate, if satisfied that there are reasonable grounds for believing that any person has used, is using or is about to use any vehicle or means of transport in his possession or under his control in a manner prejudicial to the public safety or peace, may, by order in writing, require such person to take such order therewith for such period as may be specified in the order.

9. Any officer of Government authorised in this behalf by general or special order of the Local Government may, within any area specified in such order, require any landholder, village headman, lambardar, inamdar or jagirdar, or any officer or servants of any local authority, or any teacher in any school, college or other educational institution, to assist in the restoration and maintenance of law and order and in the protection of property in the possession or under the control of Government or of any railway administration or local authority, in such manner and within such limits as the officer so authorised may specify.

10. The power to issue search-warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—

(a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Ordinance or any act prejudicial to the public safety or peace has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made ;

(b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause ;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

11. If any person disobeys or neglects to comply with an order made, direction given, or condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction or prescribed the condition may take or cause to be taken such action as it thinks necessary to give effect thereto.

12. (1) Whoever, by words either spoken or written, or by signs or by visible representations, or otherwise, instigates, expressly or by implication, any person or class of persons not to pay or to defer payment of any notified liability,

and whoever does any act, with intent or knowing it to be likely that any words, signs or visible representations containing such instigation shall thereby be communicated directly or indirectly to any person or class of persons in any manner whatsoever,

shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) No Magistrate shall take cognizance of any offence punishable under this section except upon a report in writing of facts which constitute such offence made by a police officer not below the rank of sub-inspector, or upon receiving a complaint of facts which constitute such offence made by a revenue officer not below the rank of Naib Tehsildar.

13. Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of section 5 shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

14. Subject to the provisions of section 13, whoever disobeys or neglects to comply with any order made, direction given, or condition prescribed in accordance with the provisions of Chapter 1, or impedes the lawful exercise of any power referred to in that Chapter, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

15. Whoever induces or attempts to induce any public servant or any servant of a local authority or any railway servant to disregard or fail in his duty as such servant shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

16. Whoever dissuades or attempts to dissuade any person from entering the military or police service of His Majesty shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

17. (1) Where it appears to the Local Government that the inhabitants of any area are concerned in the commission of offences or other acts which are prejudicial to the maintenance of law and order or to the public revenues, or are harbouring persons concerned in the commissions of such offences or acts, the Local Government may, by notification in the local official Gazette, impose a collective fine on the inhabitants of that area.

(2) The Local Government may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(4) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land-revenue.

(5) The Local Government may award compensation out of the proceeds of a fine realised under this section to any person who, in the opinion of the Local Government, has suffered injury to person or property by the unlawful act of the inhabitants of the area.

*Explanation.*—For the purposes of this section, the "inhabitants" of an area include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

18. Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been declared to be forfeited to his Majesty under section 99A of the Code, or under the Indian Press (Emergency Powers) Act, 1931, as amended by section 21, or under any other enactment for the time being in force, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

19. (1) Where any young person under the age of sixteen years is convicted by any Court of an offence under this Ordinance or of an offence which in the opinion of the Court has been committed in furtherance of a movement prejudicial to the public safety or peace, and such young person is sentenced to fine, the Court may order that the fine shall be paid by the parent or guardian of such young person as if it had been a fine imposed upon the parent or guardian :

Provided that no such order shall be made unless the parent or guardian has had an opportunity to appear before the Court and be heard.

(2) In any such case the Court may direct by its order that in default of payment of the fine by the parent or guardian, the parent or guardian shall suffer imprisonment as if the parent or guardian had himself been convicted of the offence for which the young person is convicted.

20. The Local Government may invest the District Magistrate with any of the powers of a Local Government under sub-section (1) of section 5 or under section 6.

21. So long as this Ordinance remains in force, sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931, shall be deemed to be amended as follows, namely :—

(i) at the end of clause (b), the word "or" shall be added, and

(ii) after clause (b), the following clause shall be inserted, namely :—

"(c) any matter which instigates, expressly or by implication, any person or class of persons not to pay or to defer payment of any liability, arising anywhere in the United Provinces, of the same kind as a liability which has been declared by notification under section 3 of the United Provinces Emergency Powers Ordinance, 1931, to be a notified liability in any area of the United Provinces."

22. Notwithstanding anything contained in the Code, no Magistrate of the third class shall have jurisdiction to try any offence punishable under this Ordinance.

23. Except as provided in this Ordinance, no proceeding or order purporting to be taken or made under this Ordinance shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done, or in good faith intended to be done, under this Ordinance.

24. Nothing contained in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this Ordinance.

25. Notwithstanding anything contained in the Code, any offence punishable under this Ordinance shall be cognizable and non-bailable.

26. (1) Notwithstanding anything contained in the Code, an offence punishable under section 160, 186, 187, 188, 189, 227, 228, 295A, 298, 505, 506, 507 or 508 of the Indian Penal Code, or under section 17 of the Indian Criminal Law Amendment Act, 1908, shall be cognizable and non-bailable.

(2) Notwithstanding anything contained in section 195 or section 196 of the Code, any Court otherwise competent to take cognizance of an offence punishable under section 186, 187, 188, 228, 295A or 505 of the Indian Penal Code may take cognizance of such offence upon a police report being made to it under clause (a) of sub-section (1) of section 173 of the Code, but shall not proceed with the trial unless it has received a complaint in respect of such offence under section 195 or section 196 as the case may be, and the absence of such complaint shall be reasonable cause, within the meaning of section 344 of the Code, for postponing the commencement of the trial and for remanding the accused.

## ORDINANCE NO. XIII OF 1931

[ 24th. December 1931. ]

### **An Ordinance to confer special powers on the Government of the North-West Frontier Province and its officers for the purpose of maintaining law and order.**

Whereas an emergency has arisen which makes it necessary to confer special powers upon the Government of the North-West Frontier Province and its officers for the purpose of maintaining law and order ;

Now therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the North-West Frontier Province Emergency Powers Ordinance, 1931.

(2) It extends to the whole of the North-West Frontier Province.

2. In this Ordinance, unless there is anything repugnant in the subject or context, "the Code" means the Code of Criminal Procedure, 1893.

3. (1) Any officer of Government authorised in this behalf by general or special order of the Local Government may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace, arrest such person without warrant, and may, in so doing, use any means that may be necessary.

(2) An officer making an arrest under this section shall forthwith report the fact to the Local Government and may, by order in writing, commit any person so arrested to such custody as the Local Government may, by general or special order, specify in this behalf.

Provided that no person shall, unless the Local Government by special order otherwise directs, be so detained in custody for a period exceeding two months.

Provided further that no person shall be so detained in custody for a period exceeding two months.

4. (1) The Local Government, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act, in a manner prejudicial to the public safety or peace, may, by order in writing, give any one or more of the following directions, namely, that such person—

(a) shall not enter, reside or remain in any area specified in the order ;

(b) shall reside or remain in any area specified in the order ;

(c) shall remove himself from, and shall not return to any area specified in the order :

(1) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

(2) An order made under sub-section (1) shall not, unless the Local Government by special order otherwise directs, remain in force for more than one month from the making thereof.

(3) An order made under sub-section (1) shall be served on the person to whom it relates in the manner provided in the Code for service of a summons.

5. (1) If, in the opinion of the Local Government, any land or building can be utilised as quarters or offices for public servants, or for the accommodation of troops or police, or for the purpose of giving effect to this Ordinance or any order made thereunder, or otherwise for the public advantage, the Local Government may, by order in writing, require the occupier or other person in charge of the land or building to place it at the disposal of Government at such time as may be specified in the order, together with the whole, or any part specified in the order, of any fixtures, fittings, furniture or other things for the time being in the building ; and the Local Government may dispose of or use such land, building, fixtures, fittings furniture or other things in such manner as it may consider expedient.

(2) In this section "building" includes any portion or portions of a building whether separately occupied or not.

6. The District Magistrate may, by order in writing, prohibit or limit, in such way as he may think necessary for the public advantage, access to any building or place in the possession or under the control of Government or of any railway administration or local authority, or to any building or place in the occupation, whether permanent or otherwise, of His Majesty's Naval, Military or Air Forces or of any police force, or to any place in the vicinity of any such building or place.

7. The District Magistrate may, by order in writing, prohibit or regulate, in such way as he may think necessary for the public advantage, traffic over any road, pathway, bridge, waterway or ferry.

8. (1) If in the opinion of the Local Government, it is necessary for the public advantage to control the supply of any commodity of general use in any area, the Local Government may, by notification in the local official Gazette, make a declaration to that effect.

(2) In any area to which a declaration under sub-section (1) extends, the Local Government may exercise all or any of the following powers in regard to the commodity to which the declaration relates, namely :—

(a) It may, by general or special order in writing, require any trader to make a return in such form and within such time and to such authority as may be specified in the order of the stocks of such commodity held by him or consigned to him or under order on his account ; of any contracts for the supply to or by him of such commodity or for or in connection with the production or manufacture of such

commodity, and of any other dealing by him therein ; of the persons with whom and the prices at which any such contracts or other dealings were made or had or the prices at which such commodity has been bought or sold by him ; of the cost of production of such commodity, so far as it may be known to him, and the profits usually made or expected by him on the sale thereof ; and of any other matters specified in the order with respect to which, in the opinion of the Local Government it is desirable to obtain information for the purpose of controlling the price of such commodity ;

(b) it may, by notification in the local official Gazette, prescribe the conditions under which (including the maximum price at which and the persons by whom and to whom) such commodity may be sold ; and such conditions may be general for the whole area or may vary as regards different localities therein, and different conditions may be prescribed for different classes of such commodity ;

(c) it may, by order in writing, require a trader to place the whole or any portion of his stock, whether immediately available or not, at the disposal of the Local Government at such time and place and in such manner as may be specified in the order, on receiving payment therefor at the price or prices fixed under clause (b).

(3) In this section "trader" includes a manufacturer, producer, warehouse-keeper or vendor, and, in the case of a vendor, a wholesale or retail vendor whether acting on his own behalf or on behalf of any other person, and, if not acting on his own behalf, the person on whose behalf he is acting.

9. If, in the opinion of the Local Government, any product, article or thing, or any class of product, article or thing, can be utilised for the public advantage, the Local Government may, by order in writing, require any owner or person in charge of such product, article or thing to place it at the disposal of Government at such time and place as may be specified in the order ; and the Local Government may dispose of or use it in such manner as it may consider expedient.

10. (1) The District Magistrate may, by order in writing, require any person to make, in such form and within such time and to such authority as may be specified in the order, a return of any vehicles or means of transport owned by him or in his possession or under his control.

(2) The District Magistrate, if, in his opinion, it is necessary for the public advantage, may, by order in writing, require any person owning or having in his possession or under his control any vehicle or means of transport to take such order therewith for such period as may be specified in the order.

11. (1) The District Magistrate may, by order in writing published in such manner as he thinks best adapted for informing the persons concerned,—

(a) prohibit, either absolutely or subject to such exception as may be specified in the order, the purchase, sale or delivery of, or other dealing in, any arms, parts of arms, ammunition or explosive substance ; or

(b) direct that any person owning or having in his possession or under his control any arms, parts of arms, ammunition or explosive substance, shall keep the same in a secure place approved by the District Magistrate or remove them to any place specified in the order.

(2) The District Magistrate may take possession of—

(a) any arms, ammunition or explosives, or

(b) any tools, machinery, implements or other material of any kind, likely, in his opinion, to be utilised, whether by the owner or by any other persons, for the purpose of causing unlawful hurt or damage to any person or to any property of Government or of any railway administration or of any local authority, and may make such orders as he may think fit for the custody and disposal thereof.

12. Any officer of Government authorised in this behalf by general or special order of the Local Government may, within any area specified in such order, appoint persons as special police officers ; and any person so appointed shall be deemed to have been appointed as a special police officer in accordance with the provisions of any enactment relating to the appointment of special police officers in force in that area.

13. Any officer of Government authorised in this behalf by general or special order of the Local Government may, within any area specified in such order, require any landholder, village headman, lambardar, inamdar or jagirdar, or any officer or servant of any local authority, or any teacher in any school, college or other educational institution to assist in the restoration and maintenance of law and order and in the protection of property in the possession or under the control of Government



or of any railway administration or local authority in such manner and within such limits as the officer so authorised may specify.

14. If, in the opinion of the Local Government, it is necessary for the public advantage to secure the continuance of any public utility service, as defined in section 2 of the Trade Disputes Act, 1929, other than a public utility service owned by Government, the Local Government may—

(a) by order in writing, require the owner or person in charge of the utility service or of any thing ancillary thereto, or the person in control of any establishment ancillary thereto, to take or abstain from such action in respect of any supply of such service as may be specified in the order; or

(b) after giving notice in writing to the owner or person in charge of the utility service or of any thing ancillary thereto or to the person in control of any establishment ancillary thereto or, if such owner or person has disobeyed, or neglected to comply with, an order made under clause (a), without such notice, assume control of such service, thing or establishment, and take such order therewith as may, in the opinion of the Local Government, be necessary to secure the continuance of such service.

15. The District Magistrate, if, in his opinion, it is necessary for the public advantage, may, in consultation with the chief postal authority in the district, control the operation of any post, telegraph, telephone or wireless office or station and in particular, may intercept any postal article or telegraphic, telephonic or wireless message in the course of transmission, may ascertain its contents and may prohibit its further transmission.

16. The District Magistrate may—

(a) require accommodation to be provided on any railway train or any vessel for any passengers or goods, and, for this purpose exclude from such train or vessel any passengers or goods which it is already carrying or about to carry;

(b) require that any specified persons or classes of persons or persons, proposing to travel to specified destinations, or any specified goods or classes of goods or goods consigned to specified destinations, shall not be carried on any railway or vessel;

(c) exclude or eject any passenger from any train or vessel;

(d) stop, or prohibit the stopping of, trains or vessels at any station; or

(e) in consultation with the local railway authorities, require special trains to be provided for the conveyance of troops, police or other persons.

17. The District Magistrate may, by order in writing, depute one or more police officers, not below the rank of head constable, or other persons, to attend any public meeting for the purpose of causing a report to be made of the proceedings, and may, by such order, authorise the persons so deputed to take with them an escort of police officers.

*Explanation.*—For the purposes of this section a public meeting which is open to the public or to any class or portion of the public meeting notwithstanding that is held in a private place and notwithstanding that admission thereto is restricted by ticket or otherwise.

18. The power to issue search-warrants conferred by section 98 of the Code shall be deemed to include a power to issue warrants authorising—

(a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Ordinance or any act prejudicial to the public safety or peace has been, is being or is about to be committed, or that preparation for the commission of any such offence or act is being made;

(b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used, or is intended to be used, for any purpose mentioned in that clause;

and the provisions of the Code shall, so far as may be, apply to searches made under the authority of any warrant issued, and to the disposal of any property seized, under this section.

19. Any authority on which any power is conferred by or under this Chapter may, by general or special order, authorise any person to enter and search any place the search of which such authority has reason to believe to be necessary for the purpose of—

(a) ascertaining whether it is necessary or expedient to exercise such power; or—

(b) ascertaining whether any order given, direction made, or condition prescribed in the exercise of such power has been duly complied with; or

(c) generally, giving effect to such power or securing compliance with, or giving effect to, any order given, direction made or condition prescribed in the exercise of such power.

20. If any person disobeys or neglects to comply with 'an order made, direction given, of condition prescribed, in accordance with the provisions of this Chapter, the authority which made the order, gave the direction or prescribed the condition may take or cause to be taken such action as it thinks necessary to give effect thereto.

21. Whoever disobeys or neglects to comply with any order made or direction given in accordance with the provisions of section 4 shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

22. Subject to the provisions of section 21, whoever disobeys or neglects to comply with any order made, direction given, or condition prescribed in accordance with the provisions of Chapter II, or impedes the lawful exercise of any power referred to in that Chapter, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

23. Whoever induces or attempts to induce any public servant or any servant of a local authority or any railway servant to disregard or fail in his duty as such servant shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

24. Whoever dissuades or attempts to dissuade any person from entering the military or police service of His Majesty shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

25. Whoever by words, whether spoken or written, or by signs or by visible or audible representations or otherwise publishes any statement, rumour or report which is false and which he has no reasonable ground to believe to be true with intent to cause or which is likely to cause fear or alarm to the public or to any section of the public, or hatred or contempt towards any public servant, or any class of His Majesty's subjects, shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

26. (1) Where it appears to the Local Government that the inhabitants of any area are concerned in the commission of offences or other acts which are prejudicial to the maintenance of law and order or to the public revenues, or are harbouring persons concerned in the commission of such offences or acts, the Local Government may, by notification in the local official Gazette, impose a collective fine on the inhabitants of that area.

(2) The Local Government may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(3) The District Magistrate, after such inquiry as he may deem necessary, shall apportion such fine among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment of the respective means of such inhabitants.

(4) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

(5) The Local Government may award compensation out of the proceeds of a fine realised under this section to any person who, in the opinion of the Local Government, has suffered injury to person or property by the unlawful acts of the inhabitants of the area.

*Explanation.*—For the purposes of this section, the "inhabitants" of an area includes persons who themselves or by their agents or servants occupy or hold land or other immoveable property within such area, and landlords who themselves or by their agents or servants collect rents from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

27. Whoever publishes, circulates or repeats in public any passage from a newspaper, book or other document copies whereof have been declared to be forfeited to His Majesty under any other law for the time being in force, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

28. (1) Where any young person under the age of sixteen years is convicted by any Court of an offence under this Ordinance or of an offence which in the opinion of the Court has been committed in furtherance of a movement prejudicial to the public safety or peace, and such young person is sentenced to fine, the Court may order that the fine shall be paid by the parent or guardian of such young person as if it had been a fine imposed upon the parent or guardian :

Provided that no such order shall be made unless the parent or guardian has had an opportunity to appear before the Court and be heard.

(2) In any such case the Court may direct by its order that in default of payment of the fine by the parent or guardian, the parent or guardian shall suffer imprisonment as if the parent or guardian had himself been convicted of the offence for which the young person is convicted.

29. Court of criminal jurisdiction may be constituted under this Ordinance of the following classes, namely :—

- (i) Special Judges ;
- (ii) Special Magistrates ;
- (iii) Summary Courts.

30. The Local Government may appoint to be a special Judge for such area as it may think fit any officer who has acted for a period of not less than two years in the exercise of the powers of a Sessions Judge under the Code.

31. Subject to the provisions of section 47, a Special Judge shall try such offences as the Local Government, or an officer empowered by the Local Government in this behalf, may, by general or special order in writing, direct.

32. (1) A Special Judge may take cognizance of offences without the accused being committed to his Court for trial, and in trying accused persons, shall follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates:

Provided that a Special Judge may make a memorandum only of the substance of the evidence of each witness examined, and shall not be bound to adjourn any trial for any purpose unless such adjournment is, in his opinion, necessary in the interests of justice.

(2) In matters not coming within the scope of sub-section (1), the provisions of the Code, so far as they are not inconsistent with this Ordinance, shall apply to the proceedings of a Special Judge ; and, for the purposes of the said provisions, the Court of the Special Judge shall be deemed to be a Court of Session.

33. A Special Judge may pass any sentence authorised by law.

34. (1) An appeal shall lie in the case of any sentence passed by a Special Judge of death or of transportation or imprisonment for a term of two years or more, and the provisions of the Code and of the Indian Limitation Act, 1908, shall apply in respect of such appeal as if it were an appeal under the Code from a sentence passed by a Court of Session exercising jurisdiction in the area in which the offence was committed.

(2) A sentence of death passed by a special Judge shall be subject to confirmation in the manner provided in the Code for the confirmation of a sentence of death passed by a Court of Session.

35. Any Presidency Magistrate or Magistrate of the first class who has exercised powers as such for a period of not less than two years may be invested by the Local Government with the powers of a special Magistrate under this Ordinance.

36. Subject to the provisions of section 47, a Special Magistrate shall try such offences punishable with, death, as the Local Government or an officer empowered by the Local Government in this behalf may, by general or special order in writing direct.

37. (1) In the trial of any case under this Ordinance, a special Magistrate shall follow the procedure laid down in sub-section (1) of section 32 for the trial of cases by a Special Judge.

(2) In matters not coming within the scope of sub-section (1), the provisions of the Code, so far as they are not inconsistent with this Ordinance, shall apply to the proceedings of a Special Magistrate ; and for the purposes of the said provisions the Special Magistrate shall be deemed to be a Magistrate of the first class.

38. A Special Magistrate may pass any sentence authorised by law, except a sentence of death or of transportation or imprisonment exceeding seven years.

39. (1) Where a Special Magistrate passes a sentence of transportation or imprisonment for a term exceeding one year, or of fine exceeding one thousand rupees, an appeal shall lie to the Court of Session, unless the Special Magistrate passes a sentence of transportation exceeding one year or a sentence of imprisonment exceeding four years, in which case the appeal shall lie to the High Court.

(2) An appeal under sub-section (1) shall be presented within seven days from the date of the sentence.

40. If any question arises whether, under any order made under section 31 or section 36, an offence is triable by a Special Judge or Special Magistrate, the question shall be referred for decision to the local Government, and its decision shall be final.

41. The Local Government may, by general or special order in writing, empower any Magistrate appointed under the provisions of the Code to exercise the powers of a Summary Court in any area specified in the order.

42. (1) Subject to the provisions of section 47, a Summary Court shall have power to try such offences as the District Magistrate may, by general or special order, direct:

Provided that no person shall be tried by a Summary Court for an offence not specified in sub-section (1) of section 260 of the Code which is punishable with imprisonment for a term exceeding two years.

(2) The District Magistrate may, by general or special order, give directions as to the distribution among the Summary Courts in his district of cases triable by them under sub-section (1).

43. In the trial of any case a Summary Court shall, as far as possible, follow the procedure laid down in the Code for the trial of warrant cases, and shall have all the powers conferred by the Code on a Magistrate:

Provided that the Court shall not be required to record more than a memorandum of the evidence or to frame a formal charge:

Provided further that, in the trial of any offence punishable with imprisonment for a term not exceeding one year, the Court may follow the procedure for the summary trial of cases in which an appeal lies laid down in Chapter XXII of the Code.

44. Summary Courts may pass any sentence which may be passed by a Magistrate of the first class.

45. (1) If a Summary Court in a case tried according to the procedure for the trial of warrant cases passes a sentence of imprisonment for a term exceeding three months or a fine exceeding two hundred rupees, or in a case tried by summary procedure passes a sentence of imprisonment for a term exceeding one month or a fine exceeding fifty rupees, an appeal shall lie to the Special Judge appointed for the area in which the offence was committed, or, if no Special Judge has been so appointed, to the Court of Session exercising jurisdiction in the area in which the offence was committed.

(2) An appeal under sub-section (1) shall be presented within seven days from the date of the sentence.

(3) In disposing of an appeal under this section, a Special Judge shall follow the same procedure and have the same powers as an Appellate Court follows and has under the Code.

46 (1) If a Summary Court is of opinion that the offence disclosed is one which it is not empowered to try, it shall send the case for trial to the Special Judge or Special Magistrate empowered to try the case under this Ordinance, or, if no such Court has been so empowered, to an ordinary criminal court having jurisdiction.

(2) If a Summary Court is of opinion that an offence which it is empowered to try should be tried by a Court of superior jurisdiction, or that it requires a punishment in excess of that which the Summary Court is empowered to inflict, it shall stay proceedings and report the case to the District Magistrate who may—

(a) direct that the case shall be tried by a Summary Court, or

(b) send it to a Court constituted under this Ordinance having jurisdiction, or to an ordinary criminal court having jurisdiction, or

(c) report it for the orders of the Local Government.

47. (1) No Court constituted under this Ordinance shall try any offence unless it is an offence punishable under this Ordinance or was committed in furtherance of a movement prejudicial to the public safety or peace.

(2) The question whether or not an offence tried by a Court constituted under this Ordinance is of the nature described in sub-section (1) shall not be raised in any Court other than the Court trying the offence, and where such question is so raised then, if the Court is that of a Special Judge the question shall be referred to the Local Government, and if the Court is that of a Special Magistrate or is a Summary Court the question shall be referred to the District Magistrate, and the decision of the Local Government or District Magistrate shall be final.

48. (1) Where any accused, in a trial before a Court constituted under this Ordinance, has, by his voluntary act, rendered himself incapable of appearing before the Court, or resists his production before it, or behaves before it in a persistently

disorderly manner, the Court may, at any stage of the trial, by order in writing made after such inquiry as it may think fit, dispense of the attendance of such accused for such period as it may think fit, and proceed with the trial in his absence.

(2) where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (1), such accused shall be deemed not to plead guilty.

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial, or of being present in person if he has become capable of appearing, or appears in Court and undertakes to behave in an orderly manner.

(4) Notwithstanding anything contained in the Code, no finding, sentence or order passed in a trial before a Court constituted under this Ordinance shall be held to be illegal by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (1).

49. Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before a Court constituted under this Ordinance if such person is dead or cannot be found or is incapable of giving evidence, and the Court is of opinion that such death, disappearance or incapacity has been caused in the interests of the accused.

50. A Court constituted under this Ordinance shall not be required to grant an adjournment for the purpose of securing the attendance of a legal practitioner if, in the opinion of the Court, such adjournment would cause unreasonable delay in the disposal of the case.

51. Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall, save as provided by this Ordinance, be no appeal from any order or sentence of a Court constituted under this Ordinance, and, save as aforesaid, no Court shall have authority to revise such order or sentence, or to transfer any case from any such Court, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Court.

52. The provisions of the Code and of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Ordinance or the rules made thereunder, shall apply to all matters connected with, arising from or consequent upon a trial by special criminal courts constituted under this Ordinance.

53. (1) Any person who has suffered any direct loss or danger by reason of action taken under section 5 or section 9 or sub-section (2) of section 11 or section 14 may, within two months from the date on which the action was taken, lodge a claim for compensation which the Local Government, or with such officer as the Local Government may appoint in this behalf.

(2) No claim for compensation may be lodged for loss or damage caused in any case where action has been taken under section 20.

(3) Any claim lodged under sub-section (1) may be investigated by such officer as the Local Government may appoint in this behalf, and any amount which may be agreed upon between the Local Government and the claimant shall be paid to him. If the amount is not agreed upon, the claim shall be decided by an Arbitration Tribunal, in the manner hereinafter provided.

54. (1) The Local Government may constitute an Arbitration Tribunal for the trial of any particular claim or claims, or of claims of a specified kind, or of claims arising within a specified area for which provision is not otherwise made.

(2) An arbitration Tribunal shall consist of three persons, who are—

(a) Commissioners; or

(b) persons who have presided in a Civil Court of any grade for not less than five years; or

(c) persons who are qualified under sub-section (3) of section 101 of the Government of India Act for appointment as Judges of a High Court; or

(d) persons who have exercised the powers of a Magistrate of the first class for not less than five years;

(e) persons having special knowledge of matters such as those which may be in dispute.

(3) The Local Government shall appoint one of the members to be President of the Tribunal.

(4) If for any reason any member of an Arbitration Tribunal is unable to discharge his duties, the Local Government shall appoint another member in his place, and on any such change occurring it shall not be incumbent on the Tribunal to re-call or re-hear any witness who has already given evidence in regard to any claim before it, and may act on any evidence already recorded by or produced before it.

55. (1) Arbitration Tribunals may take evidence on oath (which such Tribunals are hereby empowered to administer), and shall have such powers to enforce the attendance of witness and the production of evidence as a Civil Court has under the Code of Civil Procedure, 1908.

(2) In the event of any difference of opinion among the members of an Arbitration Tribunal, the opinion of the majority shall prevail.

(3) Subject to any rules which the Local Government may make in this behalf, the President of an Arbitration Tribunal may make orders consistent with this Ordinance to provide for the place and conduct of a trial and all other ancillary matters which he may think necessary for carrying into effect the provisions of this Ordinance.

56. In determining the compensation to be paid in respect of action taken under section 9 it shall not be necessary for an Arbitration Tribunal to have regard to the market price of the product, article or thing to which the claim relates, at the time of, or immediately prior to, such action; but the Tribunal shall have regard to the market price which prevailed in respect of products, articles or things of like nature immediately before the promulgation of this Ordinance.

57. (1) The Local Government may invest the District Magistrate with the powers of the Local Government under sub-section (1) of section 4, and may invest the District Magistrate or any Sub-divisional Magistrate, or any police officer not below the rank of Deputy Superintendent, with any of the powers of the Local Government under section 5 or section 9.

(2) The Local Government may invest any Sub-divisional Magistrate, or any police officer not below the rank of Deputy Superintendent, with any of the powers of a District Magistrate under Chapter II.

(3) The District Magistrate may by order in writing authorise any officer to exercise any of the powers of the District Magistrate under Chapter II in a specified area or in connection with a specified emergency.

58. Except as provided in this Ordinance, no proceeding or order purporting to be taken or made under this Ordinance shall be called in question by any Court and no civil or criminal proceeding shall be instituted against any person for anything done, or in good faith intended to be done, under this Ordinance.

59. Nothing contained in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this Ordinance.

60. Notwithstanding anything contained in the Code, an offence punishable under this Ordinance shall be cognizable and non-bailable.

61. (1) Notwithstanding anything contained in the Code, an offence punishable under section 160, 186, 187, 188, 189, 227, 228, 295A, 298, 505, 506, 507 or 508 of the Indian Penal Code, or under section 17 of the Indian Criminal Law Amendment Act, 1908, shall be cognizable and non-bailable.

(2) Notwithstanding anything contained in section 195 or section 196 of the Code, any Court otherwise competent to take cognizance of an offence punishable under section 186, 187, 188, 228, 295A or 505 of the Indian Penal Code may take cognizance of such offence upon a police report being made to it under clause (a) of sub-section (1) of section 173 of the Code, but shall not proceed with the trial unless it has received a complaint in respect of such offence under section 195 or section 196 as the case may be, and the absence of such complaint shall be reasonable cause, within the meaning of section 344 of the Code, for postponing the commencement of the trial and for remanding the accused.

# ORDINANCE NO. XIV OF 1931

( 24th. December 1931 )

## **An ordinance to provide against the instigation to the illegal refusal of the payment of certain liabilities in the frontier.**

The Ordinance follows the lines of the U. P. Ordinance. The following are the important clauses :

(2) The Local Government, may, by notification in the local official gazette declare that land revenue or any sum recoverable as arrears of land revenue, or tax, rate, cess or other dues, payable to the Government or to any local authority or the rent of agricultural land or anything recoverable as arrears of, or along with, such rent, shall be a notified liability.

(3) Whoever, by words either spoken, written or by signs or by visible representations, or otherwise, instigates, expressly or by implication, any person or class of persons not to pay or to defer the payment of any notified liability, and whoever does any act with intent, or knowing it to be likely, that any words, signs or visible representations containing such instigation shall thereby be communicated, directly or indirectly to any person, or class of persons, in any manner whatsoever, shall be punishable with imprisonment which may extend to six months or with fine or with

Notwithstanding anything contained in the Code of Criminal Procedure, any person punishable under this Ordinance shall be non-bailable.

Magistrate shall take cognisance of any offence punishable under this Ordinance on a report in writing of the facts which constitute such an offence made by an officer below the rank of sub-Inspector.

This Ordinance remains in force in sub-section (1) of Section 4 of the Criminal Procedure Act, 1931, the following clause shall be deemed

# ORDINANCE NO. XV OF 1931

[ 24th December, 1931 ]

## **An Ordinance to make further provision in the North-West Frontier Province against associations dangerous to the public peace.**

Whereas an emergency has arisen which makes it expedient to make further provision in the North-West Frontier Province against associations dangerous to the public peace ;

Now therefore, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Unlawful Association ( North-West Frontier Province ) Ordinance, 1931,

(2) It extends to the whole of the North-West Frontier Province.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "Magistrate" means the District Magistrate ;

(b) "notified place" means a place notified under sub-section (1) of section 3 ;

(c) "place" includes also a house, building, tent and vessel ; and

(d) "unlawful association" means an unlawful association within the meaning of section 15 of the Indian Criminal Law Amendment Act, 1908.

3. (1) The Local Government may, by notification in the local gazette, notify any place which in its opinion is used for the purposes of Unlawful Association.

(2) The Magistrate, or any officer authorised in this behalf by the Magistrate, may thereupon take possession of the place, and shall forthwith remove any person found therein, and shall forthwith



by order in writing, declare such monies, securities or credits to be forfeited to His Majesty.

(2) A copy of an order under sub-section (1) may be served on the person having custody of the monies, securities or credits, and on the service of such copy such person shall pay or deliver the monies, securities or credits to the order of the Local Government :

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Local Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(3) Where the Local Government has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Local Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Local Government. A copy of such order shall be served upon the person to whom it is directed.

(4) The Local Government may endorse a copy of an order under sub-section (3) for investigation to any officer it may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for monies and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of and dealings in any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

(5) A copy of an order under this section may be served in the manner provided in the Code of Criminal Procedure, 1908, for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office, or, where there is no registered office, at the place where it carries on business.

(6) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities or credits forfeited, to the order of the Local Government.

(7) Where any person liable under this section to pay or deliver any monies, securities or credits to the order of the Local Government refuses or fails to comply with any direction of the Local Government in this behalf, the Local Government may recover from such person, as arrears of land-revenue or as a fine, the amount of such monies or credits or the market value of such securities.

(8) In this section, "security" means a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the market value of any security means the value as fixed by any officer or person deputed by the Local Government in this behalf.

8. Every report of the taking of possession of property and every declaration of forfeiture, made or purporting to be made under this Ordinance, shall, as against all persons, be conclusive proof that the property specified therein has been taken possession of by Government or has been forfeited, as the case may be, and no proceeding purporting to be taken under this Ordinance shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Ordinance, or against Government or any person acting on behalf of or by authority of Government for any loss or damage caused to or in respect of any property whereof possession has been taken by Government under this Ordinance.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences punishable under sub-section (1) of section 17 of the Indian Criminal Law Amendment Act, 1908, shall be cognizable and non-bailable.

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